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ABSTRACT

This handbook provides information and materials to assist applicants in preparing an application to establish a charter school in Arizona. The topics discussed reflect the technical requirements of Arizona's charter-school legislation. It does not necessarily reflect the selection requirements or the policies of the State Board of Education, the State Board for Charter Schools, or an Arizona public school district. Either board and/or a district may approve an application if the application meets the requirements of the legislation, and may approve the charter if the proposed sponsor determines, within its sole discretion, that the application is sufficiently qualified to operate a charter school. As a sponsoring agent for charter schools, the individual boards and districts are committed to ensuring that all applicants have a fair and equal opportunity to submit a charter proposal that will meet this commitment. The handbook's purpose is to facilitate the application process and provide technical assistance to understand the key elements of legislation establishing charter schools, to provide answers to frequently asked questions about Arizona's charter schools as public schools, to provide information about important contacts, and to help save time in identifying resources from the Arizona Department of Education and other agencies. Sections deal with charter-school contracts, operations, resources to be ordered, and establishment of a small business. The handbook, however, is not intended to be an exhaustive discussion of these requirements. (DFR)

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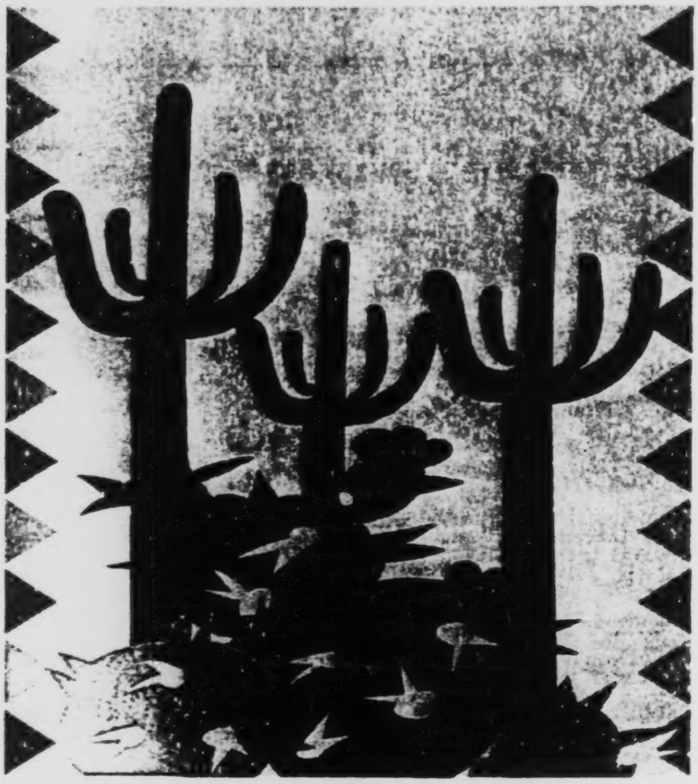
ARIZONA CHARTER SCHOOLS HANDBOOK



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A PUBLICATION OF THE
ARIZONA DEPARTMENT OF EDUCATION
CHARTER SCHOOLS LIAISON OFFICE

JANUARY 2000

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EA 031083

State of Arizona
Department of Education

Lisa Graham Keegan
Superintendent of
Public Instruction

MEMO

DATE: January 2000

TO: Interested Parties

FROM: Charter Schools Liaison,
State Board for Charter Schools, and
State Board of Education/Charter Schools Division

RE: Arizona Charter Schools Handbook

This handbook provides information and materials that will assist you in preparing an application to establish a charter school in Arizona. The topics discussed reflect the technical requirements of Arizona's charter school legislation.

It does not necessarily reflect the selection requirements or the policies of the State Board of Education, the State Board for Charter Schools, or an Arizona public school district. Either Board and/or a district may approve an application if the application meets the requirements of the legislation, and may approve the charter if the proposed sponsor determines, within its sole discretion, that the applicant is sufficiently qualified to operate a charter school.

As a sponsoring agent for charter schools, the individual Boards and districts are committed to ensuring that all applicants have a fair an equal opportunity to submit a charter proposal which will meet its standards for approval. The Arizona Charter Schools Handbook was developed to help meet this commitment. Its purpose is to facilitate the application process and provide technical assistance to: (1) understand the key elements of legislation establishing charter schools; (2) provide answers to frequently asked questions about Arizona's charter schools as public schools; (3) provide information about important contacts; and (4) help save time in identifying resources from the Arizona Department of Education and other agencies.

This handbook is not intended to be an exhaustive discussion of these requirements. Please be advised that policy or legislative changes may render some information obsolete. Responsibility for submitting an application and supporting documents that reflect current policies and legislation and that meet the expectations of the proposed sponsor rests solely with the applicant.

Thank you for your interest in charter schools.

1535 West Jefferson, Phoenix, Arizona 85007 ● Voice: (602) 542-4391 ● Fax: (602) 542-3050

ARIZONA CHARTER SCHOOLS HANDBOOK
TABLE OF CONTENTS

INTRODUCTION

SECTION ONE **Questions and Answers about Arizona Charter Schools as Public Schools**

SECTION TWO **Legislation Establishing Charter Schools (A.R.S. §15-181-189)**

SECTION THREE **Supplemental Legislation and Regulations**
- State Statutes Applicable to Charter Schools
- Federal Statutes Applicable to Charter Schools
- Family Educational Rights and Privacy Act (FERPA)
- Open Meeting Law
- Public Records Law

SECTION FOUR **Arizona State Board of Education - Sample Application**

SECTION FIVE **Arizona State Board for Charter Schools - Sample Application**

SECTION SIX **The Special Education Process and IDEA**

SECTION SEVEN **Before Signing the Charter: The "To Do" List**

SECTION EIGHT **Important Contacts**

SECTION NINE **Resources to be Ordered**
- Arizona Administrative Code
- Uniform Standards of Financial Records for Charter Schools (USFRCS)
- Federal and State Surplus Property Program
- School District Procurement Rules
- School District Records Management Manual
- Charter School Handbook
- Academic Standards and AIMS

SECTION TEN **Charter School Contracts**
- State Board of Education Contract
- State Board for Charter Schools Contract
- Amendment and Notification of Change Forms

SECTION ELEVEN **Charter School Operations**
- School Calendar
- School Enrollment
- Budget and Apportionment

- Calendar of Events with Reporting Requirements
- Annual Budget Forms and Budget Worksheets for Fiscal Year 1999-2000 (USFRCS Memo #23)
- Transfer of Responsibilities Affecting State Board-Sponsored Charter Schools (USFRCS Memo #24)
- Annual Financial Report and Extracurricular Activities Fee Tax Credit Form for Fiscal Year 1998-1999 (USFRCS Memo #25)
- Newsletters from the Office of the Auditor General (November 1998, March 1999, August 1999)
- Regional Training Centers
- Comprehensive Health Programs
- Early Childhood Programs
- Food Service Programs
- Additional State Statutes
    - Medications, Health
    - Interscholastic and Extracurricular Activities
    - Suspension and Expulsion
    - Sanitation Code
- State Fire Marshal
- Accreditation Associations
    - North Central Association (NCA)
    - Association for Performance-Based Accreditation (APBA)

SECTION TWELVE **Establishing A Small Business**

- Legal Forms of Business Organization & Comparison of Business Structures
- General Filing Instructions, Checklists, and Forms for the Arizona Corporation Commission
- Trademark and Trade Name Laws/Name Registration
- Selecting a Business Location/Charter School Facility
- City and Town Licensing Offices
- W-9 Request for Taxpayer Number
- Vendor Setup/Change Form

INTRODUCTION

INTRODUCTION TO ARIZONA'S CHARTER SCHOOLS

Legislation creating charter schools in Arizona (H.B. 2002) was passed in the summer of 1994 and signed into law on June 16, 1994.

Charter schools are providing another choice in the state's system of public schools by meeting the needs of diverse student populations. Some charter schools cater to the "at-risk" student while others offer an arts-based curriculum, college preparatory, multi-age groupings, Montessori methodology, or innovative school-to-work opportunities.

Although thirty-six (36) states, the District of Columbia and Puerto Rico now have charter school legislation, Arizona's is considered to be among the strongest in the nation for several reasons.

- Charters may be granted in one of three ways: through local public school districts, by the State Board of Education, or the State Board for Charter Schools
- Charter schools may hire non-certified teachers
- Any type of legal entity, i.e., a partnership, corporation, not-for-profit corporation, or sole proprietorship may be granted a charter
- The charter contract is for 15 years
- Charter schools in Arizona keep assets which are purchased with state funds

For a complete listing of current charter schools in Arizona, for an application, or for information on workshops, please call (602) 542-5094 and select Option #1. This is a message only line.

Here are the contact names and main phone numbers for charter schools personnel at the Arizona Department of Education:

State Board of Education Charter Schools Division	**State Board for Charter Schools Office**	**Charter Schools Liaison Office**
Bonnie Barclay	**Cassandra Larsen**	**Lyle Skillen**
Director	Executive Director	Director
Phone (602) 542-5870	*Phone* (602) 468-6369	*Phone* (602) 542-8264
Fax (602) 542-3590	*Fax* (602) 468-1682	*Fax* (602) 542-3590
e-mail: bbarcla@mail1.ade.state.az.us	*e-mail:* Larsen Cassandra@pop.state.az.us	*e-mail:* lskille@mail1.ade.state.az.us

SECTION 1

QUESTIONS & ANSWERS ABOUT ARIZONA CHARTER SCHOOLS

QUESTIONS AND ANSWERS ABOUT CHARTER SCHOOLS AS PUBLIC SCHOOLS

The number of charter schools operating in Arizona has tripled since 1995, the first year of operation. Parents, teachers, schools administrators and others from the public or private sector have many questions about Arizona's charter schools.

Charter schools are public schools which have entered into contract with either the State Board of Education, the State Board for Charter Schools, or a public school district to provide educational services to Arizona students.

Each school has determined the age, grade level and number of students it will serve. Each school has agreed to admit all eligible pupils who submit a timely application, unless the number of applications exceeds the capacity agreed upon in the charter contract. If capacity is insufficient to enroll all eligible students who apply, admission is determined by an equitable selection process such as a lottery Preference shall be given to student returning to a charter school in a second or subsequent year and to siblings of students already enrolled in the charter school.

Applications of all schools chartered by the State Board for Charter Schools are on file at their offices at 4105 N. 20th St., #280, Phoenix, AZ 85016. Applications of all schools chartered by the State Board of Education are on file for public viewing in the charter school division's offices on the second floor at the Arizona Department of Education, 1535 W. Jefferson St., Phoenix, 85007. Applications for all schools chartered by school districts, and copies of applications for schools chartered by the State Board for Charter Schools are available at the Charter Schools Liaison Office, also on the second floor of the Department of Education. Regular business office hours are 8 a.m. to 5 p.m., Monday through Friday, except for state holidays.

The questions most frequently asked are addressed in this section. By referring to this section of the handbook before calling the Charter Schools Liaison Office, the State Board of Education Charter Schools office, or the State Board for Charter Schools office, time and effort can be saved by the applicant.

Web sites are at **http:\\www.azleg.state.az.us**
or **http:\\www.ade.state.az.us**

ARIZONA CHARTER SCHOOLS
QUESTIONS AND ANSWERS

Q **What is the purpose of charter schools?**

A The purpose of this new breed of public schools is to provide a unique setting for learning that will improve pupil achievement and provide additional public school choices for students and parents.

In general, charter schools are meant to encourage the use of different and innovative teaching methods; create new professional opportunities for teachers, including the opportunity to be responsible for a learning program at the school site; provide parents and students with expanded educational opportunities within the public school system without the constraints of traditional bureaucratic rules and structure; and provide schools a way to shift from a rule-based to a performance-based system of accountability. In essence, charter schools allow for increased flexibility in exchange for increased accountability.

Q **Who grants the charter?**

A In the Arizona legislation, there are three types of boards which may sponsor a charter school. Organizers of a charter school may apply for sponsorship to any of the following:

- the State Board of Education
- the State Board for Charter Schools
- any local school district governing board

Q **How many charters can be approved?**

A The law states that the State Board of Education and the State Board for Charter Schools may each sponsor a maximum of 25 charter schools per fiscal year. There is no restriction on the number of charters school districts may sponsor.

Q **What is the length of a charter?**

A The initial charter is granted for fifteen (15) years. The sponsor must review the charter every five (5) years.

Q **Who is eligible to apply to establish a charter school?**

A Anyone. The law states that the sponsor of a charter school may contract with any "public body, private person or private organization."

Q **Can an existing private school become a charter school?**

A Yes, as long as it agrees to abide by the laws which govern charter schools. The school must have an admission policy which is non-selective and non-discriminatory. Private schools that wish to become charter schools cannot charge tuition.

Q **Can a religious organization establish a charter school?**

A The law does not prohibit religious organizations from organizing a charter school. However, the school charter must ensure that the charter school is "nonsectarian in its programs, admission policies, and employment practices and all other operations."

Q **Can an existing public school submit a proposal to become a charter school?**

A Yes. An existing public school may submit a charter proposal to any of the sponsoring bodies, including its own district.

Q **What accounting requirements are charter schools subject to?**

A Charter schools are subject to the same financial requirements as a school district including the new Uniform System of Financial Records for Charter Schools, procurement rules and audit requirements. However, exceptions to these rules may be requested by the party applying for a charter and granted by the charter's sponsor.

Q **Do teachers who teach in charter schools need to be certified?**

A No. There is nothing in the law that requires teachers in charter schools to be certified. However, federal regulations require that special-education programs be supervised by a certified teacher.

Q **What grade configurations might a charter school contain?**

A A charter school must provide a comprehensive education for at least one grade between grades K-12. This is the only restriction.

Q **Does a charter school have to teach a core curriculum?**

A Yes. A charter school must provide a comprehensive program of education although that program may emphasize a particular learning philosophy, style, or subject area.

Q **Must charter schools issue "school report cards?'**

A Yes. The new Arizona law requiring public schools to issue these annual reports includes charter schools.

Q **What information is required by law in a charter school application?**

A Arizona's charter school law suggests possible information that may be included in a charter school application including:

1. A mission statement
2. A description of the charter school's organizational structure and governing body
3. A financial plan for the first three years of operation
4. A description of the charter school's hiring policy
5. The name of the charter school's applicant
6. A description of the charter school's facilities and location
7. A description of the grade(s) being served
8. Criteria designed to measure the success of the charter

There are additional requirements for a charter application. The law also requires the following information be included in any charter:

1. A statement of compliance with all laws pertaining to health, safety, civil rights and insurance
2. A statement guaranteeing no religious bias in all programs and operations
3. Plans for a comprehensive program of instruction for at least one grade level between K-12
4. A method for measuring pupil progress including achievement tests and an annual report card
5. A statement of compliance with laws related to the education of disabled pupils
6. A description of the governing body for the charter school and a description of personnel policies, personnel qualifications, method of school governance, and the role of the sponsor

ARIZONA CHARTER SCHOOLS
ADDITIONAL INFORMATION/CONTACTS

Summary By Year/Sponsor	CSB State Board for Charter Schools	SBE State Board of Education	DISTRICTS	TOTALS
Fiscal Year 1995 (July 1 - June 30)	25	20	5	50
Fiscal Year 1996 (July 1 - June 30)	20	24	20	64
Fiscal Year 1997 (July 1 - June 30)	25	10	10	45
Fiscal Year 1998 (July 1 - June 30)	25	6	29	60
Fiscal Year 1999 (July 1 - June 30)	26	7	22	55
Total Chartered	121	67	86	274
Total Number of Closures	3	4	9	16
Total Number Never Opened	3	1	1	5
Total Leaving for Other Sponsors	1	1	21	23
Total Current Charters	*114*	*61*	*55*	*230*
Total Operating	104	55	53	212
Total to Open 2000	10	6	2	18

Explanations of Closures:	CSB	SBE	DISTRICTS	
St. John's Alternative Learning Center Reverted back to district Fall 1996			X	St. John's
Citizen 2000 Charter revoked by SBE on 11-18-96		X		
Theodore Roosevelt Boarding School Charter surrendered January 1997			X	Window Rock
Round Valley Alternative Learning Center Reverted back to district July 1997			X	Round Valley
Ash Fork Middle School Reverted back to district July 1997			X	Ash Fork
Cascabel Became part of Alternative Learning Center 1997			X	Window Rock
Greasewood Springs School Charter surrendered August 1997		X		
Greenlee Alternative School Charter surrendered 1997	X			
The School Charter surrendered August 1997			X	Cedar Unified
Sonoita Charter Academy Closed 1997		X		
Alternative Learning Center Closed 2 sites Nov./Dec. 1997, closed final 2 sites Feb. 1998			X	Window Rock
Arizona Vocational Training ACT closed Feb. 1998; Destiny Advanced Learning changing sponsor			X	Window Rock
Success School Charter surrendered 1999		X		
Discovery Academy of St. Johns Charter taken over by The Leona Primary Academies LLC summer 1999; site moved to Renaissance Academy's charter	X			
Desert Hills Center for Youth and Families Closed Summer 1999	X			
Sterling Academy of Mathematics & Sciences Opened and Closed Fall 1999			X	Peach Springs

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Schools Never Opened:	CSB	SBE	DISTRICTS
Arizona Academy of Communications Arts & Technology Contract never signed; did not open		X	
Frontier High School Contract never signed; did not open	X		
Virtual Universe Contract signed; did not open			X Blue Ridge
Attix School (1999) Contract never signed; did not open	X		
Academies for Career Exploration (1999) Contract never signed; did not open	X		

Charter School Sponsors: Contact Information

Board	Contact Person	Contact Phone
State Board for Charter Schools	Cassandra Larsen, Executive Director	(602) 468-6369
State Board of Education	Bonnie Barclay, Director of Charter Schools	(602) 542-5870
District	**Charter School Contact Person**	**Contact Phone**
Cedar	Rose Rooth, Superintendent	(520) 738-2366
Coolidge	Raymond J. Pohlvani, Superintendent	(520) 723-2042
Higley	Larry C. Likes, Superintendent	(602) 988-2571
Lake Havasu	Joseph Meli, Superintendent	(520) 855-8466
Payson	Herbert Weissenfels, Superintendent	(520) 472-2070
Peach Springs	Herman Parker, Superintendent	(520) 769-2202
Sedona-Oak Creek	Cynthia Windham, Business Manager	(520) 204-6802
Snowflake	Gregory A. Wyman, Superintendent	(520) 536-4156
Vail	Calvin Baker, Superintendent	(520) 762-2001

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Explanations of Sponsorship Changes	CSB	SBE	DISTRICTS	
Tol-Chii' Kooh Chartered by Chinle 1995; Opened under sponsorship of Ganado in 1996			X	Chinle
Benjamin Franklin School Changed sponsor 1997; now part of Benjamin Franklin CS sponsored by CSB			X	Ganado
Northland Preparatory Changed sponsor 1997; now under sponsorship of CSB			X	Cedar Unified
Academy with Community Partners Changed sponsor 1998; now under sponsorship of Higley			X	Ganado
Akimel O'Otham Pee Posh Charter Schools Changed sponsor 1998; now under sponsorship of Higley			X	Ganado
Basic Schools Inc. (Noah Webster Basic School) Changed sponsor 1998; now under sponsorship of Snowflake			X	Window Rock
Challenge Charter School Changed sponsor 1998; now under sponsorship of CSB			X	Window Rock
Chester-Newton & Montessori Changed sponsor 1998; now under sponsorship of CSB			X	Snowflake
Desert Springs Scholastic Institute Changed sponsor 1998; now under sponsorship of Higley			X	Window Rock
Ehrenberg Quartzsite Scholars' Academy Changed sponsor 1998; now under sponsorship of CSB			X	Quartzsite
EXCEL HighSchool Changed sponsor 1998; now under sponsorship of Higley as Desert Technology			X	Snowflake
New Horizon School for the Performing Arts Changed sponsor 1998; now under sponsorship of CSB			X	Window Rock
Sequoia Schools Changed sponsor 1998; now under sponsorship of Higley			X	Ganado
Westland School (Cholla Academy) Changed sponsor 1998; now under sponsorship of Higley			X	Cedar Unified
Arizona Youth Associates Changed sponsor 1999; became part of GNC/AYA charter with SBE			X	Higley
Beacon Ahwatukee/Chandler/Glendale Charter Schools Changing sponsor 1999 from 3 charters under Higley (they hadn't opened yet) to 1 charter under CSB			XXX	Higley
Life School College Preparatory Changed sponsor 1999; became part of Life School charter with Higley		X		
Paramount Life Preparatory Academy Changing sponsor 1999; to be under sponsorship of CSB			X	Snowflake
Shonto Charter School Changed sponsor 1999; now under sponsorship of CSB			X	Ganado
Tesseract Charter School Changed sponsor 1999; now under sponsorship of Snowflake taking over Preschool Services Inc. charte	X			
Tol-Chii' Kooh Charter School Changed sponsor 1999; now under sponsorship of Higley			X	Ganado

ARIZONA CHARTER SCHOOLS

by year chartered

1995

STATE BOARD FOR CHARTER SCHOOLS (25)

ABC Alternative Learning Center, Inc.
Arizona Call-a-Teen Youth Resources, Inc.
Arizona Montessori Charter Schools
Arizona School for the Arts
ATOP Academy, Inc.
Benjamin Franklin Charter School
Black Family and Child Services, Inc. (Teen Choice Leadership Academy)
Carmel Community Integrated Arts Charter School
EduPreneurship, Inc.
Espiritu Community Development Corp. (Esperanza Montessori; NFL YET)
Excel Education Centers, Inc.
Heritage Academy, Inc.
Intelli-School, Inc.
Lake Powell Academy, Inc.*
The Learn Center School (Aztec High School)
Mingus Springs Charter School
Montessori Charter School of Flagstaff, Inc.
Northern Arizona Academy for Career Development, Inc.
Pimeria Alta, Inc.
PPEP & Affiliates (PPEP TEC)
Scottsdale Horizons Charter School
Sedona Charter School, Inc.
Tertulia: A Learning Community*
Yuma Private Industry Council (Educational Opportunity Center)*
Villa Montessori Charter School

STATE BOARD OF EDUCATION (20)

Arizona Career Academy
CASY Country Day School
CITIZEN 2000 *(Charter revoked 11-18-96)*
Dragonfleye Science, Inc.
The Edge School, Inc. *(formerly Pima Co Adult Education (PCAE) Edge)*
Edu-Prize, Inc.
Flagstaff Waldorf Education Assoc., Inc. (Pine Forest School)
Foothills Academy
GateWay Community High School
Greyhills Academy High School
Kingman Academy of Learning
Life Development Institute (Academy of Lifelong Learning)
Life School College Preparatory, Inc. *(sites moved to charter w/Higley, Fall 1999)*
Mesa Arts Academy *(formerly Boys and Girls Academy)*
New School for the Arts
Success School *(charter revoked 11/97)*
Touchstone Charter School (Copper Canyon)
(site to General Health Corp./Arizona Youth Assoc. charter summer 1999)
Twenty First Century Charter Schools, Inc. (Bennett Academy)
Valley Academy, Inc.
Ventana Academic Charter School

DISTRICTS (5)

Ash Fork (1)
Ash Fork Middle School
(*closed July 1997 as charter)*
St. John's (1)
St. John's Alternative Learning Center
(*closed Fall 1996 as charter)*
Round Valley (1)
Round Valley Alternative Learning Center
(*closed July 1997 as charter)*
Chinle (1)
Tol-Chii' Kooh Charter Schools, Inc. *(changed to Ganado 1996)*
Payson (1)
Payson Center for Success*

**Indicates school did not open until 1996*

1996

STATE BOARD FOR CHARTER SCHOOLS (20)

Bright Beginnings School
The Center for Academic Success
Discovery Academy of St. Johns
(charter taken over by The Leona Group summer 1999; site to Renaissance Academy)
EcoTech Agricultural Charter School
Flagstaff Junior Academy
Foothills Community School**
Fountain Hills Charter School**
Franklin Phonetic Primary School
Frontier High School *(charter rescinded 1997)*
Future Dev. Educational & Perf. Arts Academy
Khalsa Montessori Elementary School
Lake Havasu Charter School
Laurent Clerc Elementary School
Montessori Day Public Schools Chartered
Montessori Education Centre Charter School
Skyview School
Tempe Preparatory Academy
Tucson Urban League Education Center
Victory High School
Young Scholar's Academy

STATE BOARD OF EDUCATION (24)

American Grade Schools
Arizona Academy of Communication Arts & Technology
(Charter Rescinded August 1997)
Calli Ollin Academy Charter School
Charter Foundation, Inc. (Children's Academy of Arizona)
Flagstaff Arts and Leadership Academy
Gan Yeladeem: The Looking Glass School
Gila County Transition School** (Liberty High School)
Global Renaissance Academy of Distinguished Education**
Greasewood Springs School, Inc. *(Charter Surrendered August 1997)*
Hopi Jr/Sr High School
Horizon Charter School Corp.
International Studies Academy
Kachina Country Day School
Mexicayotl Charter School***
Mingus Mountain Academy
Mountain School, Inc.
Ombudsman Educational Services, Ltd.
Presidio School
Salt River Pima-Maricopa Indian Community Schools
Sonoita Charter Academy *(closed 11/97)*
Terra Rosa Charter School**
Triumphant Learning Center
Tucson Youth Development (Alternative Computerized Education (ACE) Charter High School)
Vechij Himdag MashchamakuD *****

DISTRICTS (20)

Blue Ridge (1)
Virtual Universe *(did not open)*
Cedar Unified (4)
Hotevilla-Bacavi Community School
Northland Preparatory Academy *(changed to CSB 1997)*
The School *(closed Aug. 1997)*
Westland School (Cholla Academy) *(changed to Higley 1998)*
Coolidge Unified #21 (2)
Coolidge High School Success Center
McCray Academy
Ganado (6)
Academy With Community Partners *(changed to Higley 1998)*
Benjamin Franklin School *(changed to CSB 1997)*
Akimel O'Otham Pee Posh Charter School, Inc. *(changed to Higley 1998)*
Sequoia School, L.L.C. *(changed to Higley 1998)*
Shonto Governing Board of Education, Inc. (Shonto Charter School)
(changed to CSB summer 1999 – 2nd charter withCSB)
Tol-Chii' Kooh *(formerly sponsored by Chinle) (changed to Higley summer 1999)*
Quartzsite #4 (1)
Ehrenberg Quartzsite Scholars' Academy *(changed to CSB 1998)*
Window Rock (6)
Alternative Learning Charter School (ALCS) *(closed Feb 1998)*
Challenge Charter School *(changed to CSB 1998)*
Cascabel *(became part of ALCS - 1997)*
Desert Springs Scholastic Institute *(changed to Higley 1998)*
New Horizon School for the Performing Arts *(changed to CSB 1998)*
Theodore Roosevelt Boarding School *(charter rescinded 1997)*

*** Indicates school did not open until Fall 1997*

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ARIZONA CHARTER SCHOOLS

by year chartered

1997

STATE BOARD FOR CHARTER SCHOOLS (25)

Acclaim Charter School
Allen-Cochran Enterprises, Inc. (Center for Educational Excellence)
Arizona Agribusiness & Equine Center, Inc.
Baurau L.L.C.
Career Pathways Academy
Casa Blanca Middle School
D.W. Higgins Institute***
Eagle's Aerie School
Genesis Academy
Greenlee Alternative School *(surrendered charter 1997)*
Hermosa Montessori Charter School
Humanities and Sciences Academy of the United States, Inc. (International Commerce Institute)
Humanities & Sciences Institute, Inc.
The Leona Group Arizona, L.L.C.
Life Enrichment Community School
Luz Academy of Tucson
Montessori Schoolhouse of Tucson, Inc.
Northland Preparatory Academy
Phoenix Advantage Charter School
SABIS International*****
Sequoia Schools, L.L.C. *(prev. Sequoia HS for the Hearing Impaired)*
Star Academy Charter Schools, Inc.
Tesseract Charter School*** *(surrendered charter summer 1999 to moved site to Preschool Services, Inc. charter w/Snowflake)*
The Village/Phoenix Birthing Project
Vision Charter Schools, Inc. *(opening Jan. 1998)*

STATE BOARD OF EDUCATION (10)

Academy of Excellence***
Accelerated Learning Center
Arete School***
Ball Charter School
Dimensions Academy***
Enterprise Academy
Florence Crittenton Services of Arizona, Inc.
Friendly House Academia Del Pueblo Elementary
Omega Academy, Inc.
Pima Vocational High School*****

DISTRICTS (10)

Sedona-Oak Creek (2)
Juniper Canyon Alternative School
West Sedona Montessori Class
Snowflake (5)
Chester Newton Charter & Montessori *(changed to CSB 1998)*
EXCEL High School *(changed to Higley 1998 as Desert Technology H.S.)*
Paramount Life Preparatory Academy
Preschool Services, Inc. (Schools That Work) *(prev. Sunray Charter School)*
New Visions Academy Inc. *(prev. VisionQuest Academy)*
Vail (1)
Vail Charter High School
Window Rock (2)
Arizona Career & Vocational High School *(closed Feb. 1998)*
Noah Webster Basic School *(changed to Snowflake 1998)*

****Indicates School is not opening until Fall 1998*

1998

STATE BOARD FOR CHARTER SCHOOLS (25)

Academies for Career Exploration**** *(surrendered charter Sept. 1999)*
Accelerated Learning Center (Laboratory)
American Heritage Academy *(prev. part of Heritage Academy)*
BASIS School, Inc.
Challenge School, Inc. *(formerly sponsored by Window Rock)*
Chester Newton Charter & Montessori School *(formerly sponsored by Snowflake)*
Ideabanc, Inc. (AmeriSchools) *(prev. Children's Academy of Arizona)*
Classical Kids' Academy****
Desert Hills Center for Youth and Families (opened Jan. 1998)
Global Education Foundation (Downtown Arts Academy)
Edison Partnership Charter School*****
GEM Charter School, Inc.
Ha:San Preparatory & Leadership Charter School, Inc.
East Valley Family & Youth Support Centers (JWJ Academy)****
Mountain Rose Academy, Inc.****
New Horizon School for the Performing Arts *(formerly sponsored by Window Rock)*
New West Charter School, Inc.
The Phoenix School of Academic Excellence
Renaissance Educational Consortium, Inc. (Renaissance Academy) *(opened Jan. 1998)*
E. Q. Scholars, Inc. (The Scholars' Academy) *(formerly sponsored by Quartzsite)*
School for the Advancement of Gifted Education (S.A.G.E.) *(opened Jan. 1998)*
Shonto Governing Board of Education, Inc. (Shonto Preparatory School)
Tucson Preparatory School
Westwind Academy
Wilson Charter High School

STATE BOARD OF EDUCATION (6)

Arizona Academy of Science and Technology****
Davis Education Center
Discovery Plus Academy
General Health Corp./Arizona Youth Assoc. (Copper Canyon) *(site prev. w/Touchstone)*
New Age Arts Academy*****
Richard Milburn Charter High School*****

DISTRICTS (29)

Higley (27)
Academy with Community Partners - Arizona, Inc. *(formerly sponsored by Ganado)*
Aha Macav High School, Inc. *(prev. part of EXCEL HS)*
Akimel O'Otham Pee Posh Charter Schools, Inc. *(formerly sponsored by Ganado)*
Arizona Youth Associates, Inc. (Desert Fauna Academy) *(charter surrendered Fall'98 and sites moved to General Health Corp./AYA charter with SBE)*
Beacon Ahwatukee Charter School *(not opened; surrendered charter FY 1999)*
Beacon Chandler Charter School *(not opened; surrendered charter FY 1999)*
Beacon Glendale Charter School *(not opened; surrendered charter FY 1999)*
Cholla Academy (Westland School) *(formerly sponsored by Cedar Unified)*
Cottonwood-Oak Creek Charter Schools, Inc.
Desert Springs Scholastic Institute *(formerly sponsored by Window Rock)*
Desert Technology Schools, Inc. *(formerly EXCEL H.S. sponsored by Snowflake)*
E.A.G.L.E. Academy
Excalibur Charter School, Inc.****
Integrity Education Services, Inc.
The Jurisprudence Charter School, Inc.
The Learning Institute, Inc.
Life School College Preparatory, Inc. *(sites of SBE charter moved here Fall'99)*
Little Singer Community School Board Inc. *(prev. part of Tol-Chii" Kooh)*
Paragon Management, Inc. (Paradise Education Center)
Precision Academy System, Inc.
Scottsdale Institute for the Arts, Inc. (Metropolitan Arts Academy)
Sequoia School L.L.C. *(formerly sponsored by Ganado)*
Sunway Management Inc. (Phoenix Academy of Performing Arts South)
TAG Elementary, L.L.C. *(formerly Mise-En-Scene Productions, Inc.)*
Tol-Chii' Kooh Charter Schools, Inc. (Tolani Lake Elementary School Academy)
VistaCare Charter School - Holbrook*****
VistaCare Charter School - Hereford/Sierra Vista
Snowflake (2)
Destiny Advanced Learning Center, Inc. *(prev. part of Baurau)*
Basic Schools, Inc. (Noah Webster Basic School) *(formerly sponsored by Window Rock)*

*****Indicates School is not opening until Fall 1999*

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ARIZONA CHARTER SCHOOLS

by year chartered

1999

STATE BOARD FOR CHARTER SCHOOLS (25)

Advanced Education Service - Solon Academy
APEX Education Systems, Inc. (Summit Academy)
Attix School*****
Beacon Education Management (Desert Pathways)
Bryan Charter Schools*****
Country Day Charter
Desert Springs Academy
East Valley Academy
Estrella Mountain High School*****
Great Expectations Academy, Inc.
Groenig Education, Inc. (Park View Middle School)
Keystone Montessori Charter School, Inc.
The Leona Primary Academies, L.L.C. *(charter prev. Discovery Academy of St. Johns)*
Liberty Traditional Charter School
Maricopa Community College District (Isaac Charter School)*****
Mary Ellen Halvorson Education Foundation (Tri-City Prep)
National Heritage Academies*****
Painted Pony Ranch Charter School
Paramount Prep Life Academy***** *(formerly sponsored by Snowflake)*
Rainbow Academy*****
Shonto Prep School *(formerly sponsored by Ganado)*
Sonoran Desert School
Southern Arizona Community HS/Academy*****
Stepping Stones Academy
Wellsprings Academy*****
Wide Ruins Community School, Inc.

STATE BOARD OF EDUCATION (7)

Academy of Tucson, Inc.
Ashton Education Center*****
Benchmark School, Inc.
C.I. Wilson Academy
Cambridge Academy, Inc.
Mountain Oak Charter School, Inc.
Student Choice High School*****

DISTRICTS (23)

Higley (7)
Akimel O'Otham Pee Posh Charter Schools, Inc. *(2nd contract with Higley)*
Carden of Tucson, Inc.
Educational Services, Inc.
New World Educational Center, Inc.
Project YES, Inc.
Seba Dalkai School Board, Inc. (Dine Southwest High School)*****
Tol-Chii' Kooh Charter Schools, Inc *(formerly sponsored by Ganado)*
Lake Havasu (1)
Community High School
Peach Springs (14)
Academic Success Charter School
Accelerated Learning Academy
American Basic Schools, LLC (Burke Basic School)
Civano Community School
Crossraods Middle School
Kin Dah Lichi'i Olta'
Milestones
Mission Charter Schools
Nazlini Charter Schools, Inc.
Scottsdale Educational Enrichment Services (SEES)
Shadow Ridge
Sterling Academy of Mathematics & Sciences *(Closed Fall 1999)*
Telesis Center for Learning, Inc.
Yavapai-Apache Charter School
Vail (1)
Civano Charter School

*****Indicates School is not opening until Fall 2000*

2000

STATE BOARD FOR CHARTER SCHOOLS (14)

AIBT
Arizona Equine & Science Academy
Carden
Desert Mosaic
Highland Free School
Ira Hayes
Kestrel High School
James Madison Preparatory School
Milestones
New Samaritan
PACE
Patagonia Community Academy
Primavera Builders
Self Development Charter School

STATE BOARD OF EDUCATION ()

DISTRICTS ()

*******Indicates School is not opening until Fall 2001*

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SECTION 2

LEGISLATION ESTABLISHING CHARTER SCHOOLS

LEGISLATION ESTABLISHING CHARTER SCHOOLS

Numerous changes were made to charter school legislation since its inception in 1994. A completely revised 1999 edition of *West's Arizona Education Code,* which incorporates all of the changes, is available by calling West Publishing Company at 1-800-328-9352.

We have included in this handbook:

- Copies of charter school legislation
- Board of Education rule on the Charter School Stimulus Fund

  Note: State stimulus funds are not budgeted and therefore are not currently available. Federal stimulus (implementation grant) funds may be applied for directly to the US Department of Education.

Copies of the chaptered bills that may be passed during the upcoming legislative session will be available from the Office of the Secretary of State through the Public Services Division. The phone number to call to request a bill is (800) 458-5842. You may also fax your request to (602) 542-4366. Please ask for the bill by the chapter number and, if requesting multiple bills, put them in chronological order.

Charter School Law
Arizona Revised Statutes
Education Code
§15-181 to §15-189

The Arizona State Legislature passed the Charter School Law in 1994, effective September 16th of that year. The Law is the blueprint by which all charter schools operate regardless of sponsorship.

15-181. Charter schools; purpose; scope

A. Charter schools may be established pursuant to this article to provide a learning environment that will improve pupil achievement. Charter schools provide additional academic choices for parents and pupils. Charter schools may consist of new schools or all or any portion of an existing school. Charter schools are public schools that serve as alternatives to traditional public schools and charter schools are not subject to the requirements of article XI, section 1, Constitution of Arizona, or chapter 16 of this title.

B. Charter schools shall comply with all provisions of this article in order to receive state funding as prescribed in section 15-185.

15-182. State board for charter schools; membership; terms; compensation; duties

A. The state board for charter schools is established consisting of the following members:

   1. The superintendent of public instruction or the superintendent's designee.

   2. Six members of the general public, at least two of whom shall reside in a school district where at least sixty per cent of the children who attend school in the district meet the eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1785) for free lunches, who are appointed by the governor pursuant to section 38-211.

   3. Two members of the business community who are appointed by the governor pursuant to section 38-211.

   4. Three members of the legislature who shall serve as advisory members and who are appointed jointly by the president of the senate and the speaker of the house of representatives.

B. The superintendent of public instruction shall serve a term on the state board for charter schools that runs concurrently with the superintendent's term of office. The members appointed pursuant to subsection A, paragraph 4 of this section shall serve two year terms on the state board for charter schools that begin and end on the third Monday in January and that run concurrently with their respective terms of office. Members appointed pursuant to subsection A, paragraphs 2 and 3 of this section shall serve staggered four year terms that begin and end on the third Monday in January.

C. The state board for charter schools shall annually elect a president and such other officers as it deems necessary from among its membership.

D. Members of the state board for charter schools are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. The state board for charter schools shall:

1. Exercise general supervision over charter schools sponsored by the board and recommend legislation pertaining to charter schools to the legislature.
2. Grant charter status to qualifying applicants for charter schools pursuant to section 15-183.
3. Adopt and use an official seal in the authentication of its acts.
4. Keep a record of its proceedings.
5. Adopt rules for its own government.
6. Determine the policy of the board and the work undertaken by it.
7. Delegate to the superintendent of public instruction the execution of board policies.
8. Prepare a budget for expenditures necessary for the proper maintenance of the board and the accomplishment of its purpose.

F. The state board for charter schools may:

1. Contract.
2. Sue and be sued.

15-183. **Charter schools; application; requirements; immunity; exemptions; renewal of application; reprisal**

A. An applicant seeking to establish a charter school shall submit a written application to a proposed sponsor as prescribed in subsection C of this section. The application may include a mission statement for the charter school, a description of the charter school's organizational structure and the governing body, a financial plan for the first three years of operation of the charter school, a description of the charter school's hiring policy, the name of the charter school's applicant or applicants and requested sponsor, a description of the charter school's facility and the location of the school, a description of the grades being served and an outline of criteria designed to measure the effectiveness of the school.

B. The sponsor of a charter school may contract with a public body, private person or private organization for the purpose of establishing a charter school pursuant to this article.

C. The sponsor of a charter school may be either a school district governing board, the state board of education or the state board for charter schools, subject to the following requirements:

1. An applicant for a charter school may submit its application to a school district governing board, which shall either accept or reject sponsorship of the charter school within ninety days. An applicant may submit a revised application for reconsideration by the governing board. If the governing board rejects the application, the governing board shall notify the applicant in writing of the reasons for the rejection. The applicant may request, and the governing board may provide, technical assistance to improve the application.
2. The applicant may submit the application to the state board of education or the state board for charter schools. The state board of education or the state board for charter schools may approve the application if the application meets the requirements of this article and may approve the charter if the proposed sponsor determines, within its sole discretion, that the applicant is sufficiently qualified to operate a charter school. The state board of education or the state board for charter schools may each approve up to twenty-five charter schools each fiscal

year. If the state board of education or the state board for charter schools rejects the preliminary application, the state board of education or the state board for charter schools shall notify the applicant in writing of the reasons for the rejection and of suggestions for improving the application. An applicant may submit a revised application for reconsideration by the state board of education or the state board for charter schools. The applicant may request, and the state board of education or the state board for charter schools may provide, technical assistance to improve the application.

3. Each applicant seeking to establish a charter school shall submit a full set of fingerprints to the approving agency for the purpose of obtaining a state and federal criminal records check. Such records checks shall be conducted pursuant to section 41-1750. The Arizona department of public safety is authorized to exchange this fingerprint data with the federal bureau of investigation. The criminal records check shall be completed prior to the issuance of a charter.

4. All noncertificated personnel shall be fingerprint checked pursuant to section 15-512.

D. A board that is authorized to sponsor charter schools pursuant to this article has no legal authority over or responsibility for a charter school sponsored by a different board. This subsection does not apply to the state board of education's duty to exercise general supervision over the public school system pursuant to section 15-203, subsection A, paragraph 1.

E. The charter of a charter school shall ensure the following:

1. Compliance with federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance. The department of education shall publish a list of relevant rules, regulations and statutes to notify charter schools of their responsibilities under this paragraph.

2. That it is nonsectarian in its programs, admission policies and employment practices and all other operations.

3. That it provides a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve, except that a school may offer this curriculum with an emphasis on a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language.

4. That it designs a method to measure pupil progress, toward the pupil outcomes adopted by the state board of education pursuant to section 15-741.01 including participation in the Arizona Instrument to Measure Standards test and the nationally standardized norm-referenced achievement test as designated by the state board and the completion and distribution of an annual report card as prescribed in chapter 7, article 3 of this title.

5. That, except as provided in this article and in its charter, it is exempt from all statutes and rules relating to schools, governing boards and school districts.

6. That, except as provided in this article, it is subject to the same financial requirements as a school district including the uniform system of financial records as prescribed in chapter 2, article 4 of this title, procurement rules as prescribed in section 15-213 and audit requirements. The auditor general shall conduct a comprehensive review and revision of the uniform system of financial records to ensure that the provisions of the uniform system of financial records that relate to charter schools are in accordance with commonly accepted accounting principles used by private business. A school's charter may include exceptions to the requirements of this paragraph that are necessary as determined by the district governing board, the state board of education or the state board for charter schools. The department of education or the office of the auditor general may conduct financial, program or compliance audits.

7. Compliance with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.

8. That it provides for a governing body for the charter school that is responsible for the policy and operational decisions of the charter school.

F. The charter of a charter school shall include a description of the charter school's personnel policies, personnel qualifications and method of school governance and the specific role and duties of the sponsor of the charter school.

G. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor.

H. Charter schools may contract, sue and be sued.

I. An approved plan to establish a charter school is effective for fifteen years from the first day of operation. At the conclusion of the first fourteen years of operation, the charter school may apply for renewal. The sponsor may deny the request for renewal if, in its judgment, the charter school has failed to complete the obligations of the contract or has failed to comply with this article. A sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school at least twelve months before the expiration of the approved plan to allow the charter school an opportunity to apply to another sponsor to transfer the operation of the charter school. If the operation of the charter school is transferred to another sponsor, the fifteen year period shall be repeated. A sponsor shall review a charter at five year intervals and may revoke a charter at any time if the charter school breaches one or more provisions of its charter. At least ninety days before the effective date of the proposed revocation the sponsor shall give written notice to the operator of the charter school of its intent to revoke the charter. Notice of the sponsor's intent to revoke the charter shall be delivered personally to the operator of the charter school or sent by certified mail, return receipt requested, to the address of the charter school. The notice shall incorporate a statement of reasons for the proposed revocation of the charter. The sponsor shall allow the charter school at least ninety days to correct the problems associated with the reasons for the proposed revocation of the charter. The final determination of whether to revoke the charter shall be made at a public hearing called for such purpose.

J. After renewal of the charter at the end of the fifteen year period described in subsection I of this section, the charter may be renewed for successive periods of fifteen years if the charter school and its sponsor deem that the school is in compliance with its own charter and the provisions of this article.

K. A charter school that is sponsored by the state board of education or the state board for charter schools may not be located on the property of a school district unless the district governing board grants this authority.

L. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an education program and:

1. With respect to a school district employee, results in one or more of the following:

   (a) Disciplinary or corrective action.

   (b) Detail, transfer or reassignment.

   (c) Suspension, demotion or dismissal.

   (d) An unfavorable performance evaluation.

   (e) A reduction in pay, benefits or awards.

   (f) Elimination of the employee's position without a reduction in force by reason of lack of monies or work.

   (g) Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification.

2. With respect to an educational program, results in one or more of the following:

   (a) Suspension or termination of the program.

   (b) Transfer or reassignment of the program to a less favorable department.

   (c) Relocation of the program to a less favorable site within the school or school district.

   (d) Significant reduction or termination of funding for the program.

M. Charter schools shall secure insurance for liability and property loss. The governing body of a charter school that is sponsored by the state board of education or the state board for charter schools may enter into an intergovernmental agreement or otherwise contract to participate in an insurance program offered by a risk retention pool established pursuant to section 11-952.01 or the charter school may secure its own insurance coverage. The pool may charge the requesting charter school reasonable fees for any services it performs in connection with the insurance program.

N. Charter schools do not have the authority to acquire property by eminent domain.

O. A school district governing board and its agents and employees are not liable for any acts or omissions of a charter school that is sponsored by the school district, including acts or omissions relating to the application submitted by the charter school, the charter of the charter school, the operation of the charter school and the performance of the charter school.

P. A sponsor other than a school district governing board, including members, officers and employees of the sponsor, are immune from personal liability for all acts done and actions taken in good faith within the scope of their authority during duly constituted regular and special meetings.

Q. Charter school sponsors and this state are not liable for the debts or financial obligations of a charter school or persons who operate charter schools.

R. The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Procedures for administrative hearings shall be similar to procedures prescribed for adjudicative proceedings in title 41, chapter 6, article 10. Final decisions of the state board of education and the state board for charter schools from hearings conducted pursuant to this subsection are subject to judicial review pursuant to title 41, chapter 6, article 10.

S. The sponsoring entity of a charter school shall have oversight and administrative responsibility for the charter schools that it sponsors.

T. Charter schools may pledge, assign or encumber their assets to be used as collateral for loans or extensions of credit.

U. All property accumulated by a charter school shall remain the property of the charter school.

V. Charter schools may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3- 365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the charter school may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the charter school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

15-184 . **Charter schools; admission requirements**

A. A charter school shall enroll all eligible pupils who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. A charter school shall give enrollment preference to pupils returning to the charter school in the second or any subsequent year of its operation and to siblings of pupils already enrolled in the charter school. A charter school that is sponsored by a school district governing board shall give enrollment preference to eligible pupils who reside within the boundaries of the school district where the charter school is physically located. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall select pupils through an equitable selection process such as a lottery except that preference shall be given to siblings of a pupil selected through an equitable selection process such as a lottery.

B. Except as provided in subsection C, a charter school shall not limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language or athletic ability.

C. A charter school may limit admission to pupils within a given age group or grade level.

D. A charter school shall admit pupils who reside in the attendance area of a school or who reside in a school district that is under a court order of desegregation or that is a party to an agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination unless notice is received from the resident school that the admission would violate the court order or agreement. If a charter school admits a pupil after notice is received that the admission would constitute such a violation, the charter school is not allowed to include in its student count the pupils wrongfully admitted.

E. A charter school may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.

15-185. **Charter schools; financing; definition**

A. Financial provisions for a charter school that is sponsored by a school district governing board are as follows:

1. The charter school shall be included in the district's budget and financial assistance calculations pursuant to paragraph 3 of this subsection and chapter 9 of this title, except for chapter 9, article 4 of this title. The charter of the charter school shall include a description of the methods of funding the charter school by the school district. The school district shall send a copy of the charter and charter school application, including a description of how the school district plans to fund the school, to the state board of education before the start of the first fiscal year of operation of the charter school. The charter or application shall include an estimate of the student count for the charter school for its first fiscal year of operation. This estimate shall be computed pursuant to the requirements of paragraph 3 of this subsection.

2. A school district is not financially responsible for any charter school that is sponsored by the state board of education or the state board for charter schools.

3. A school district that sponsors a charter school may:

   (a) Increase its student count as provided in subsection B, paragraph 2 of this section during the first year of the charter school's operation to include those charter school pupils who were not previously enrolled in the school district. A charter school sponsored by a school district governing board is eligible for the assistance prescribed in subsection B, paragraph 5 of this section. The soft capital allocation as provided in section 15-962 for the school district sponsoring the charter school shall be increased by the amount of the additional assistance. The school district shall include the full amount of the additional assistance in the funding provided to the charter school.

   (b) Compute separate weighted student counts pursuant to section 15-943, paragraph 2, subdivision (a) for its noncharter school versus charter school pupils in order to maintain eligibility for small school district support level weights authorized in section 15-943, paragraph 1 for its noncharter school pupils only. The portion of a district's student count that is attributable to charter school pupils is not eligible for small school district support level weights.

4. If a school district uses the provisions of paragraph 3 of this subsection, the school district is not eligible to include those pupils in its student count for the purposes of computing an increase in its revenue control limit and district support level as provided in section 15-948.

5. A school district that sponsors a charter school is not eligible to include the charter school pupils in its student count for the purpose of computing an increase in its capital outlay revenue limit as provided in section 15-961, subsection C, except that if the charter school was previously a school in the district, the district may include in its student count any charter school pupils who were enrolled in the school district in the prior year.

6. A school district that sponsors a charter school is not eligible to include the charter school pupils in its student count for the purpose of computing the revenue control limit which is used to determine the maximum budget increase as provided in chapter 4, article 4 of this title unless the charter school is located within the boundaries of the school district.

7. If a school district converts one or more of its district public schools to a charter school and receives assistance as prescribed in subsection B, paragraph 5 of this section, and subsequently converts the charter school back to a district public school, the school district shall repay the state the total additional assistance received for the charter school for all years that the charter school was in operation. The repayment shall be in one lump sum and shall be reduced from the school district's current year equalization assistance. The school district's general budget limit shall be reduced by the same lump sum amount in the current year.

B. Financial provisions for a charter school that is sponsored by the state board of education or the state board for charter schools are as follows:

1. The charter school shall calculate a base support level as prescribed in section 15-943, a capital outlay revenue limit as prescribed in section 15-961 and a capital levy revenue limit as prescribed in section 15-962, except that sections 15-941 and 15-942 do not apply to these charter schools.

2. Notwithstanding paragraph 1 of this subsection, the student count shall be determined initially using an estimated student count based on actual registration of pupils before the beginning of the school year. After the first one hundred days or two hundred days in session, as applicable, the charter school shall revise the student count to be equal to the actual average daily membership, as defined in section 15-901, or the adjusted average daily membership, as prescribed in section 15-902, of the charter school. Before the one hundredth or two hundredth day in session, as applicable, the state board of education or the state board for charter schools may require a charter school to report periodically regarding pupil enrollment and attendance and the department of education may revise its computation of equalization assistance based on the report. A charter school shall revise its student count, base support level and additional assistance before May 15. A charter school that overestimated its student count shall revise its budget before May 15. A charter school that underestimated its student count may revise its budget before May 15.

3. A charter school may utilize section 15-855 for the purposes of this section. The charter school and the department of education shall prescribe procedures for determining average daily attendance and average daily membership.

4. Equalization assistance for the charter school shall be determined by adding the amount of the base support level, the capital levy revenue limit and the capital outlay revenue limit as calculated pursuant to this section, and additional capital assistance calculated pursuant to section 15-185.01, subsection A. Equalization assistance is equal to the sum of the base support level and the additional assistance. The amount of the additional assistance is one thousand two hundred four dollars sixty-seven cents per student count in kindergarten programs and grades one through eight and one thousand four hundred four dollars one cent per student count in grades nine through twelve.

5. The state board of education shall apportion state aid from the appropriations made for such purposes to the state treasurer for disbursement to the charter schools in each county in an amount as determined by this paragraph. The apportionments shall be as follows:

(a) During the first year of operation:

(i) On July 1, one-third of the total amount to be apportioned during the fiscal year.

(ii) On October 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(iii) On December 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(iv) On January 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(v) On February 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(vi) On March 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(vii) On April 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(viii) On May 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(ix) On June 15, one-twelfth of the total amount to be apportioned during the fiscal year.

(b) During the second and subsequent years of operation, one-twelfth of the total amount to be apportioned during the fiscal year on the fifteenth day of each month of the school year.

6. Notwithstanding paragraph 6 of this subsection, if sufficient appropriated monies are available after the first forty days in session of the current year, a charter school may request additional state monies to fund the increased state aid due to anticipated student growth through the first one hundred days or two hundred days in session, as applicable, of the current year as provided in section 15-948. In no event shall a charter school have received more than three-fourths of its total apportionment before April 15 of the fiscal year. Early payments pursuant to this subsection must be approved by the state treasurer, the director of the department of administration and the superintendent of public instruction.

7. The charter school shall not charge tuition, levy taxes or issue bonds.

8. Not later than noon on the day preceding each apportionment date established by section 15-185, subsection B, paragraph 6, the superintendent of public instruction shall furnish to the state treasurer an abstract of the apportionment and shall certify the apportionment to the department of administration, which shall draw its warrant in favor of the charter schools for the amount apportioned.

C. If a pupil is enrolled in both a charter school and a public school that is not a charter school, the sum of the daily membership, which includes enrollment as prescribed in section 15-901, subsection A, paragraph 2, subdivisions (a) and (b) and daily attendance as prescribed in section 15-901, subsection A, paragraph 6, for that pupil in the school district and the charter school shall not exceed 1.0. If the pupil is enrolled in both a charter school and a public school that is not a charter school and the sum of the daily membership or daily attendance for that pupil is greater than 1.0, the sum shall be reduced to 1.0 and shall be apportioned between the public school and the charter school based on the percentage of total time that the pupil is enrolled or in attendance in the public school and the charter school. The uniform system of financial records shall include guidelines for the apportionment of the pupil enrollment and attendance as provided in this section.

D. Charter schools are allowed to accept grants and gifts to supplement their state funding but it is not the intent of the charter school law to require taxpayers to pay twice to educate the same pupils. The base support level for a charter school or for a school district sponsoring a charter school shall be reduced by an amount equal to the total amount of monies received by a charter school from a federal or state agency if the federal or state monies are intended for the basic maintenance and operations of the school. The superintendent of public instruction shall estimate the amount of the reduction for the budget year and shall revise the reduction to reflect the actual amount before May 15 of the current year. If the reduction results in a negative amount, the negative amount shall be used in computing all budget limits and equalization assistance, except that:

1. Equalization assistance shall not be less than zero.

2. For a charter school sponsored by the state board of education or the state board for charter schools, the total of the base support level, capital outlay revenue limit, the capital levy revenue limit and the additional assistance shall not be less than zero.

3. For a charter school sponsored by a school district, the base support level for the school district shall not be reduced by more than the amount that the charter school increased the district's base support level, capital outlay revenue limit, capital levy revenue limit and soft capital allocation.

E. If a charter school was a district public school in the prior year and is now being operated for or by the same school district and sponsored by the state board of education, the state board for charter schools or a school district governing board, the reduction in subsection D of this section applies. The reduction to the base support level of the charter school or the sponsoring district of the charter school shall equal the sum of the base support level and the additional assistance received in the current year for those pupils who were enrolled in the traditional public school in the prior year and are now enrolled in the charter school in the current year.

F. Notwithstanding subsection B, paragraph 5 of this section, equalization assistance for charter schools shall be provided as a single amount based on average daily membership without categorical distinctions between maintenance and operations or capital.

G. At the request of a charter school, the county school superintendent of the county where the charter school is located may provide the same educational services to the charter school as prescribed in section 15-308, subsection A. The county school superintendent may charge a fee to recover costs for providing educational services to charter schools.

H. For the purposes of this section:

1. "Monies intended for the basic maintenance and operations of the school" means monies intended to provide support for the educational program of the school, except that it does not include supplemental assistance for a specific purpose or P.L. 81-874 monies. The auditor general shall determine which federal or state monies meet the definition in this subsection.

2. "Operated for or by the same school district" means the charter school is either governed by the same district governing board or operated by the district in the same manner as other traditional schools in the district or is operated by an independent party being contracted with by the school district. The auditor general and the department of education shall determine which charter schools meet the definition in this subsection.

15-187. Charter schools; teachers; employment benefits

A. A teacher who is employed by or teaching at a charter school and who was previously employed as a teacher at a school district shall not lose any right of certification, retirement or salary status or any other benefit provided by law, by the rules of the governing board of the school district or by the rules of the board of directors of the charter school due to teaching at a charter school on the teacher's return to the school district.

B. A teacher who is employed by or teaching at a charter school and who submits an employment application to the school district where the teacher was employed immediately before employment by or at a charter school shall be given employment preference by the school district if both of the following conditions are met:

1. The teacher submits an employment application to the school district no later than three years after ceasing employment with the school district.

2. A suitable position is available at the school district.

C. A charter school that is sponsored by a school district governing board, the state board of education or the state board for charter schools is eligible to participate in the Arizona state retirement system pursuant to title 38, chapter 5, article 2. The charter school is a political subdivision of this state for purposes of title 38, chapter 5, article 2.

15-187.01. Optional inclusion of charter school employees in state health and accident coverage; payment of premiums; advance notice; minimum period of participation; definition

A. If a governing body of a charter school determines that state health and accident insurance coverage is necessary or desirable and in the best interest of the charter school, it may provide for inclusion of the charter school's employees and spouses and dependents of the charter school's employees in state health and accident insurance coverage pursuant to section 38-651.

B. If the charter school elects to participate in the state health and accident insurance coverage, it shall be the only health and accident insurance coverage offered to charter school employees.

C. A charter school governing body that elects to include its employees in the state health and accident insurance coverage shall notify the department of administration of its intention to do so by January 15 of the calendar year prior to the school year starting after June 30 in which the charter school's employees would be eligible to receive state health and accident insurance coverage.

D. A charter school governing body that elects to include its employees in the state health and accident insurance coverage shall participate in state health and accident insurance coverage for at least two years.

E. Charter schools that opt to participate in the state health and accident insurance coverage shall agree to accept the benefit level, plan design, insurance providers, premium level and other terms and conditions determined by the department of administration and shall accept such other contractual arrangements made by the department of administration with health and accident insurance providers.

F. Charter schools shall reimburse the department of administration for administrative and operational costs associated with charter schools participating in the state health and accident insurance coverage determined pursuant to section 38-651, subsection K.

G. As used in this section, "state health and accident insurance coverage" means the health and accident coverage procured by the department of administration under section 38-651.

15-188. Charter schools stimulus fund

A. The charter schools stimulus fund is established in the state treasury for the purpose of providing financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures. The fund consists of monies appropriated by the legislature and grants, gifts, devises and donations from any public or private source. The department of education shall administer the fund.

B. The state board of education shall adopt rules to implement the provisions of this section, including application and notification requirements. If sufficient monies are appropriated for this purpose, monies from the charter schools stimulus fund shall be distributed to qualifying charter school applicants and charter schools in the following manner:

   1. Each qualifying charter school applicant or charter school shall be awarded an initial grant of up to one hundred thousand dollars during or before the first year of the charter school's operation. If an applicant for a charter school receives an initial grant pursuant to this paragraph and fails to begin operating a charter school within the next eighteen months, the applicant shall reimburse the department of education for the amount of the initial grant plus interest calculated at a rate of ten per cent a year.

   2. Applicants for charter schools and charter schools that received initial grants pursuant to paragraph 1 may apply to the department of education for an additional grant of up to one hundred thousand dollars. If an applicant for a charter school receives an additional grant pursuant to this paragraph and fails to begin operating a charter school within the next eighteen months, the applicant shall reimburse the department of education for the amount of the additional grant plus interest calculated at a rate of ten per cent a year. A reimbursement required by this paragraph is in addition to any reimbursement required by paragraph 1.

C. Monies in the charter schools stimulus fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

15-189 . Charter schools; vacant buildings; list

The department of education, in conjunction with the department of administration, shall annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by this state or by school districts in this state and that may be suitable for the operation of a charter school. The department of education shall make the list available to applicants for charter schools and to existing charter schools. The list shall include the address of each building, a short description of the building and the name of the owner of the building. Nothing in this section requires the owner of a building on the list to sell or lease the building or a portion of the building to a charter school or to any other school or to any other prospective buyer or tenant.

15-189.01 . Charter schools; zoning; development fees

A. Charter schools shall be classified as public schools for the purposes of the assessment of zoning fees, site plan fees and development fees. Municipalities and counties shall adopt procedures to ensure that hearings and administrative reviews involving charter schools are scheduled and conducted on an expedited basis and that charter schools receive a final determination from the municipality or county within thirty days of the beginning of processes requiring only an administrative review and within ninety days of the beginning of processes requiring a public hearing and allowing an appeal to a board of adjustment, city or town council or board of supervisors.

B. No political subdivision of this state may enact or interpret any law, rule or ordinance in a manner that conflicts with subsection A.

15-189.02 . Charter schools; public bidding requirements

A. A charter school's procurement is exempt from public bidding requirements if the aggregate dollar amount of the procurement does not exceed the maximum amount of the exemption authorized by title 41, chapter 23 or pursuant to rules adopted by the director of the department of administration.

B. Notwithstanding subsection A, the state board for charter schools may authorize an exemption from public bidding requirements that exceeds the maximum exemption prescribed in subsection A of this section for any charter school sponsored by the state board for charter schools.

R7-2-316. Charter Schools Stimulus Fund

A. "Start-up costs" mean those costs associated with developing or implementing the following essential components of a charter school:
   1. The hiring of teachers and other essential staff members;
   2. The hiring of a chief administrative officer and other costs associated with instituting the administrative structure of the school;
   3. Curriculum development and implementation;
   4. The leasing of physical facilities or equipment and costs associated with establishment of utility services and accounts;
   5. Operational expenses incurred prior to the date on which the charter school begins operations;
   6. The development and implementation of an accounting system which complies with the uniform system of financial records requirements;
   7. Obtaining insurance, including prepayment of premiums which will effectuate insurance coverage during the first year of operation;
   8. Costs associated with licensing and compliance with other health, safety and civil rights requirements.

B. "Costs associated with renovating or remodeling existing buildings and structures" means those costs associated with the following essential components:
   1. Modifications affecting the structural integrity of the building, including those changes needed to meet building code and zoning standards.
   2. Modifications needed to meet non-structural building code requirements, such as those related to plumbing, electrical wiring and fire safety.
   3. Modifications needed to meet state health standards, such as those related to rest rooms and food preparation and service.
   4. Adjusting the size of rooms to accommodate the number of students to be served.
   5. Construction-related finish work, such as exterior and interior replastering and painting, carpeting, flooring, baseboards and door hanging.
   6. Roofing and air conditioning/heating installation or repair required prior to operation of the school.
   7. Access requirements for persons with disabilities.

C. The State Board of Education shall, subject to legislative appropriation, provide an initial grant or an additional grant from the charter schools stimulus fund to applicants who have a charter or application that has been approved by a sponsor pursuant to A.R.S. § 15-183 and who meet the requirements of A.R.S. § 15-188 and this Section. The grant may be in any amount up to $100,000 per charter school applicant or charter school.

D. The application for an initial grant shall include:
   1. A copy of the applicant's charter;
   2. The identity of the sponsor which approved the charter;
   3. The total amount of funding requested;
   4. An itemization of the specific start-up costs and costs associated with renovating or remodeling existing building and structures for which the funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested;
   5. The number of students to be served at the school;
   6. The dimensions of the facility in which the school is to be operated;
   7. A description of the extent to which the facility must be remodeled or renovated in order to meet applicable health and safety standards, unless this information is included in the applicant's charter.

E. The application for an additional grant shall be in a format approved by the State Board of Education and shall include:
   1. The date and amount of the initial grant award.
   2. A copy of any amendments or other modifications to the charter or application which formed the basis for the initial grant.
   3. The identity of the current sponsor of the charter school.
   4. An itemized accounting of the expenditures made with the initial grant monies.
   5. The total amount of additional funding requested.
   6. An itemization of the specific start-up costs associated with renovating or remodeling existing buildings and structures for which the additional funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested.

F. In its review of an application for a stimulus fund grant, the State Board of Education may receive information concerning the application from the Department of Education, an advisory committee, and any other source. The State Board may award a grant in an amount different from that requested by the applicant. No grant shall be awarded pursuant to this Section unless the State Board determines that:
   1. Every amount requested in the applicant's itemization of costs is for the essential component with which the amount is associated; and
   2. Based on all of the information before the State Board concerning the application, there is a rational basis for the award of funds.

G. No applicant or charter school shall be eligible for more than one initial grant and one additional grant, regardless of the amount awarded.

H. An applicant who receives an initial grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the initial 18-month period.

I. An applicant who receives an additional grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the applicable 18-period and is in addition to any amounts required by subsection (H).

J. An applicant for a grant pursuant to this rule shall be notified of the date at which the State Board of Education shall consider the application no less than ten days in advance thereof. Written notification of the Board's decision concerning an application for a grant shall be mailed to the applicant within ten days following such decision.

Historical Note

Adopted effective April 20, 1995 (Supp. 95-2).

SECTION 3

SUPPLEMENTAL LEGISLATION AND REGULATIONS

SUPPLEMENTAL LEGISLATION AND REGULATIONS

This section of the handbook is provided for your convenience and to save you time in researching legislation that is pertinent to Arizona charter schools.

This section of the handbook should be reviewed by charter school applicants in conjunction with **Section Two: LEGISLATION ESTABLISHING CHARTER SCHOOLS.**

The State and Federal statutes and regulations applicable to charter schools, including those that apply to businesses, employers or schools, are also provided for easy reference. These statutes and regulations can be used as a checklist to ensure all state and federal requirements are met when planning and operating a charter school. This section is not intended to be an exhaustive listing of all relevant laws and regulations. Specific questions regarding applicability or exceptions should be referred to the charter school applicant's legal counsel.

Section Three includes the following:

- State Statutes and Regulations Applicable to Charter Schools
- Federal Statutes and Regulations Applicable to Charter Schools
- Family Educational Rights and Privacy Act (FERPA)
- Open Meeting Law Summary
- Selected other applicable statutes

STATE STATUTES AND REGULATIONS APPLICABLE TO CHARTER SCHOOLS

The following summaries are of laws which are most applicable to Charter Schools, including those which generally apply to businesses, employers or schools. The statutory reference is provided for each general area discussed.

This section is not intended to be an exhaustive discussion of all applicable statutes. Please be advised that policy or legislative changes may render some information obsolete. Responsibility for compliance with current policies and legislation rests solely with the applicant and/or charter school operators.

Specific questions regarding applicability or exceptions should be referred to legal counsel for the Charter School.

Title 8 and Title 15 Provisions: Children and School Attendance.

1. **Habitual Truancy/Incorrigibility.** A child between the ages of six (6) and sixteen (16) years of age who is not enrolled in and attending school, as required at ARS §15-803, may be determined to be an "incorrigible child" as defined at ARS §8-201. Violations may be cited through a traffic ticket-type complaint (ARS §15-805). Also, ARS §15-802(E) provides that violations by the parent may be charged as a Class 3 misdemeanor. (ARS §8-201; ARS §15-802, 803, and 805).

Title 13 Provisions: Criminal Offenses.

1. **Offenses Against Public Order.** A person may be convicted of a Class 1 misdemeanor by knowingly going or remaining upon the property of any educational institution in violation of any rule of the institution, or for the purpose of interfering with the lawful use of the property. Also applies if the person refuses to obey a lawful order of the chief administrative officer, or designee, to leave the property (ARS §13-2911).

2. **Family Offenses.** Requires school personnel, among others, to immediately report (to a peace officer or to Child Protective Services in the Department of Economic Security) those injuries which reasonably indicate that a child is or has been the victim of injury, sexual abuse (ARS §13-1404), sexual conduct with a minor (ARS §13-1405), sexual assault (ARS §13-1406), molestation of a child (ARS §13-1410), commercial sexual exploitation of a minor (ARS §13-3552), sexual exploitation of a minor (ARS §13-3553), incest (ARS §13-3608), child prostitution (ARS §13-3212), death, abuse (ARS §8-201), or physical neglect which appears to be nonaccidental, or denial of necessary medical or surgical care or nourishment (ARS §13-3620).

Title 13 Provisions: Criminal Offenses *(continued)*

3. **Weapons Offenses** ARS §15-515 requires school personnel to report, immediately through the school administrator, violations of ARS §13-3102 (A) (12) (possessing a deadly weapon on school grounds) or ARS §13-3111 (minors carrying or possessing firearms) on school premises.

4. **Tobacco Use by Minors** A person who knowingly sells, gives, or furnishes cigars, cigarettes or cigarette papers, smoking or chewing tobacco, to a minor, and a minor who buys, or has in his/her possession or knowingly accepts or receives from any person, cigars, cigarettes, or cigarette papers, smoking or chewing tobacco of any kind, is guilty of a petty offense (ARS §13-3622).

5. **Drug Offenses** It is unlawful for a person to possess, use or sell marijuana, peyote, prescription-only drugs, dangerous drugs, or narcotic drugs within a drug-free school zone (*i.e.* the area within 300 feet of a school or its accompanying grounds, any public property within 1,000 feet of a school or its accompanying grounds, a school bus stop or on any school bus or bus which transports pupils to any school). All school personnel who observe such a violation must immediately report it to a school administrator, who must report the violation to a peace officer (ARS §13-3411).

Title 15 Provisions: Education.

1. **Definitions.** Provides general definitions applying to Title 15, including "charter school", "parent" and "person who has custody" (ARS §15-101).

2. **Pest Management.** Requires development and adoption of a policy to provide pupils and employees with at least 48 hours notice before pesticides are applied on school property. Guidelines include specific components, including the manner of notice to be given and the maintenance of written records of notices. (ARS §15-152).

3. **Educational Records.** Provides that the right to inspect and review educational records and the release of or access to such records is generally governed by the Family Educational Rights and Privacy Act (20 USC §1232 et seq.) and its implementing regulations. Also provides for injunctive or special action relief whether or not the educational agency receives federal funding (ARS §15-141). *See also,* ARS §15-828(G) regarding parental consent requirements.

4. **Safety Requirements.** Addresses the requirement to wear eye protective devices (ARS §15-151).

Title 15 Provisions: Education *(continued)*

5. **Charter Schools.** Authorizes the establishment of Charter Schools and addresses application requirements, immunity provisions, exemptions, renewal of charters and prohibiting reprisal against public school employees who seek to start a Charter School (ARS §15-181 *et seq.*). Addresses the legal requirements for admission of students (ARS §15-184), financial provisions (ARS §15-185), protection for teachers (ARS §15-187) and funding from the Charter Schools Stimulus Fund (ARS §15-188).

6. **Procurement Practices of Schools.** Describes the legal requirements for procurement practices, which also apply to Charter Schools. Requires the State Board of Education to prescribe rules addressing procurement issues, which are located in Arizona Administrative Code (AAC) R7-2-1000, *et seq.*, (ARS §§15-183 and 15-213).

7. **Uniform System of Financial Records.** Requires the auditor general to determine the accounting systems, accounting methods and procedures to be utilized by school districts and, in conjunction with the Department of Education, prescribe a uniform system of financial records for utilization by all school districts (and Charter Schools) each fiscal year (ARS §§15-183, 15-271 and 15-272).

8. **Administration of Medication.** Requires policies and procedures for administration of prescription medications including authorization by a parent or legal guardian (ARS §15-344).

9. **Chronic Health Problems.** "Pupils with chronic health problems" means pupils who are unable to attend regular classes for intermittent periods of one or more consecutive days because of illness, disease or accident but who are not homebound. Requires the adoption of policies and procedures concerning pupils with chronic health problems, which provide for continued learning for pupils while they are absent from school and integration of such students into regular classes to the extent possible. Requires provisions for homework availability to allow students to keep up with assignments and avoid loss of credit due to absence, and flexibility in physical education requirements (ARS §15-346).

10. **Insurance/Bond Premiums.** When a school executes a bond in favor of the federal government, or insurance for federal buildings or equipment being used for school purposes, any premiums paid on the bond or insurance must be charged against the funds of the school (ARS §15-385).

11. **Pulmonary Disease.** An employee cannot be required to submit to periodic examinations for tuberculosis, except where the employee displays symptoms of the disease, in which case an employee may be required to submit to such tests or examinations as a licensed physician deems appropriate (ARS §15-505).

Title 15 Provisions: Education *(continued)*

12. **Abuse of a Teacher** Provides that abuse of a teacher or other school employee on school grounds or while engaged in the performance of duties, is a Class 3 misdemeanor (ARS §15-507)

13. **Fingerprinting: Noncertificated Personnel and Volunteers** Noncertified personnel and volunteers who are not either the parent or guardian of a child in the school district, but who work directly with children without the supervision of a certificated employee must be fingerprinted as condition of employment. Certain exceptions apply for persons who have already been fingerprinted. Costs may be charged to the fingerprinted employee, but may not be charged to persons who are not paid employees. Provides that a school may refuse to hire, or may terminate, personnel who have been convicted of or admitted committing any of the offenses specified (ARS §15-512).

14. **Fingerprinting: Certificated Employees** Persons who apply for certification through the Department of Education must be fingerprinted. Applicants for renewal or additional certifications or endorsements are not required to be fingerprinted unless requested. Provides that a school may refuse to hire, or may terminate, the employment of persons who have been convicted of or admitted committing any of the offenses specified (ARS §§15-512 and 15-534). The Department of Education no longer processes fingerprints. To obtain an application packet for a fingerprint clearance card, please contact the Arizona Department of Public Safety at 602-223-2279. You may also contact then by mail at Mail Code 2200, Applicant Clearance Card Team, Arizona Department of Public Safety, P.O. Box 6638, Phoenix, AZ 85005-6638, or visit them at 2320 N. 20th Ave., Phoenix, AZ.

15. **Transportation Employees: Drug and Alcohol Testing** Transportation employees must submit to drug and alcohol testing if the supervisor of the employee, or the supervisor's designee, has probable cause to believe that the employee's job performance has been impaired by the use of alcohol or a drug. Probable cause is to be based on observations and shall be documented by an affidavit signed by the person who observed the behavior and the supervisor of the employee or the supervisor's designee. The school must pay for the costs of drug and alcohol testing, which may be charged back to the employee if the results are positive. An employee who refuses testing or whose test results are positive may be terminated from employment (ARS §15-513).

16. **Revocation of a Teaching Certificate** A teacher's certificate may be revoked if the teacher has been convicted of or admitted to committing a dangerous crime against children (ARS §13-604.01); sexual abuse (ARS §13-1404) or sexual assault (ARS §13-1406) in which the victim was a minor; sexual conduct with a minor (ARS §13-1405); or an act committed in another State or territory which would have been a violation

Title 15 Provisions: Education *(continued)*

of one of the enumerated offenses if committed in Arizona (ARS §15-550). A teacher who uses sectarian or denominational books or teaches any sectarian doctrine or conducts any religious exercises in school is guilty of unprofessional conduct and his or her certificate shall be revoked (ARS §15-535).

17. **Disciplinary Hearings: Confidentiality.** The governing board (or Charter School) and the State Board of Education shall keep confidential the names of any pupils involved in a hearing regarding the dismissal or discipline of an employee or action on a certificate. The pupil's name shall not be disclosed without parental consent or unless authorized pursuant to an order of the superior court (ARS §15-551).

18. **Course of Study.** The State Board of Education is to prescribe a minimum course of study and competency goals on essential skills, and to develop and adopt competency tests for high school graduation in reading, writing and mathematics. (Arizona Constitution, Art. XI, which requires a "general and uniform" public school system; (ARS §15-701 and AAC R7-2-301 [common schools]; ARS §15-701.01 and AAC 302.04 [high schools]).

19. **Assessment of Pupils.** Describes the requirements for student assessment, testing, and achievement (ARS §§15-183 (E)(4) and 15-741, and Arizona Administrative Code (AAC) R7-2-310).

20. **School Report Cards.** Describes the required content of school report cards, which must be distributed annually by all public schools in Arizona, including Charter Schools, on a standardized report form developed by the Department of Education (ARS §15-183(E)(4)). The Department of Education is to compile an annual report which contains the report card from each school in the State (ARS §15-746).

21. **Education of Language Minority Students.** Requires schools to identify the primary language of all students, to assess language minority students for English proficiency and provide programs of bilingual instruction or English as a second language. Pupil participation in such programs is voluntary and requires parental notification. Pupils who are not limited English proficient may participate in programs if space is available (ARS §15-751, *et seq.* and AAC R7-2-306).

[Note: The U.S. Supreme Court in *Lau v. Nichols,* 414 U.S. 563 (1974), determined that failure to affirmatively address the language needs of pupils who are limited English proficient is a denial of their civil rights (Title VI).]

22. **Special Education.** Requires all schools to identify, screen and evaluate, where indicated, children with disabilities who may require special education services. For those who qualify, an individualized education program must be developed which ensures that the pupil is provided with a free appropriate public education. Charter

schools are required to comply with all special education laws regarding children with disabilities in the same manner as a school district (ARS §15-183(E)(7)). Also, ARS §15-881 requires that the school offer extended school year services to children with disabilities who require them in order to prevent irreparable harm or when the pupil has reached a critical learning period (ARS §15-761, *et seq.* and AAC R7-2-401 *et seq.*).

23. **Compulsory Attendance.** Requires that all children between the ages of six and sixteen years receive instruction in at least the subjects of reading, grammar, mathematics, social studies and science in a public or private school, or a home school (ARS §15-802).

24. **Suspension and Expulsion.** ARS §15-840 defines "expulsion" and "suspension." The responsibilities of pupils, and offenses for which expulsion is allowed, are contained in ARS §15-841. The suspension and expulsion of children with disabilities must be accomplished in compliance with Federal and State laws and regulations (ARS §15-844). All students are entitled to a hearing which incorporates the rights established in the U.S. Supreme Court case, *Goss v. Lopez,* 419 U.S. 565 (1975), including the right of the pupil to be advised of the allegations against him/her and the right to tell his/her side of the story.

25. **Admission Requirements.** The admission requirements applicable to Charter Schools are found at ARS §15-184.

26. **Birth Certificate.** On enrollment of a pupil for the first time, the school must notify the person enrolling the pupil in writing that within thirty days s/he must provide one of the following: 1. A certified copy of the pupil's birth certificate; 2. Other reliable proof of the pupil's identity and age (i.e., a baptismal certificate, an application for a Social Security number, or original school registration records, and an affidavit explaining the inability to provide a copy of the birth certificate); 3. A letter from the authorized representative of an agency having custody of the pupil pursuant to Title 8, Chapter 2, certifying that the pupil has been placed in the custody of the agency as prescribed by law (ARS §15-828).

27. **Flagging School Records.** When a school is notified that a child is reported by a parent or guardian as missing, the school shall flag the records of the child. If a copy of or information regarding the records is requested, the school must immediately report the request to a local law enforcement agency (ARS §15-829).

28. **Immunization.** A pupil shall not be allowed to attend school without submitting documentary proof of immunization to the school administrator unless the pupil is exempted from immunization or the pupil has received at least one dose of each of the required immunizations and has established a schedule for the completion of the

Title 15 Provisions: Education *(continued)*

required immunizations (ARS §15-872); AAC R7-6-701, et seq.. Exemption from the immunization requirements may be granted under limited circumstances, but the pupil may be excluded from attendance during outbreak periods of communicable diseases for which immunizations are available (ARS §15-873; AAC R7-6-705). A related provision at ARS §36-673 requires local health departments to provide vaccinations and immunizations in cooperation with schools.

29. **Funding.** For purposes of public funding of schools, the definitions contained in ARS §15-901 shall apply. The specific provisions for Charter Schools are located at ARS §15-185.

Title 23: Employment Practices and Working Conditions

1. **General Provisions.** Statutes prohibit obtaining labor by false pretenses, including the requirement that an employer have sufficient resources to pay at least two weeks of accumulated wages (ARS §23-201). Also regulated are hours of labor (Ariz. Const., Art. 18, §1); equal wages (ARS §23-340 and 341); payment of wages (ARS §23-350 through 361); where applicable, wages and hours of public employees (ARS §§23-391 and 392).

2. **Occupational Health and Safety.** State statutes require that employers provide safe employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. Requires the establishment of safety and health standards and regulations and allows inspections to ensure compliance. Enforcement provisions, penalties, hearing procedures, and related rights of employees and employers are specified (ARS §§23-401 through 433). Provisions are consistent with the Federal Fair Labor Standards Act (29 USC §§651-678).

3. **Employment Security.** Defines "employer" (ARS §23-613); "employee" (ARS §23-613.01); "employment" (ARS §23-615 and 615.01); "exempt employment" (ARS §23-617); "fund" (ARS §23-618); "unemployed" (ARS §23-621); "wages" (ARS §23-622), and "week" (ARS §23-623). Provisions for administrative hearings, decisions and orders are also made (ARS §§23-671 through 683). The unemployment compensation fund provisions are found at ARS §§23-701 through 766, including those related to work records, reports and disclosure of information, accounting, rates, assessments and penalties.

4. **Workers' Compensation.** Employers subject to Worker's Compensation laws include the state, each county, city, town, municipal corporation, school district and every person who has in his or her employ any workers or operatives regularly employed in the same business or establishment under contract of hire, except domestic servants. "Regularly employed" includes all employment, whether

Title 23: Employment Practices and Working Conditions *(continued)*

continuous or for only a portion of the year. The provisions of the law are found at ARS §§23-901 through 1073, including administration and enforcement provisions; administrative hearing rights, procedures, hearings and orders; providing for compensation; the State Compensation Fund provisions and administration; insurance under the compensation fund; the amount of compensation to be paid, and the payment of compensation.

5. **Labor Relations.** Prohibits: (a) persons from being denied the opportunity to obtain or retain employment because of nonmembership in a labor organization (ARS §23-1302), and provides that any act or agreement in violation of these provisions is illegal and void (ARS §23-1303); (b) the threatening or interference with a person, the person's family or property, to compel the joining of a labor organization, strike or to leave employment (ARS §23-1304); (c) picketing (ARS §23-1322); and (d) blacklisting (ARS §§23-1361 and 1362).

Title 28: Transportation

1. **Motor Vehicle Registration.** The requirements of ARS §§28-301 *et seq.* apply generally to vehicles operated in this State, including those owned by Charter Schools.

2. **Driver's Licenses.** The classes of driver's licenses are found at ARS §28-3101. The laws related to issuance, expiration and renewal of licenses are found at ARS §§28-3151 through 3173; of particular importance are those provisions related to school bus drivers (ARS §28-3228).

3. **Traffic Regulation on Highways.** The general provisions related to driving are found at §§28-601 through 984. Of particular relevance to Charter Schools are those provisions related to school crossings (ARS §28-797); special stops, including the requirement that school buses and other vehicles stop at all railroad grade crossings (ARS §28-853); overtaking and passing of school buses (ARS §28-857); and reporting of violations by school bus operators (ARS §28-857.01); restrictions on the number of children on a school bus, requirements for receiving or discharging school children at school (ARS §28-901); special lighting on school buses (ARS §28-930); rear fender splash guard requirements (ARS §28-958.01); annual inspection requirements for school buses (ARS §28-984). *See also* Title 17 of the Arizona Administrative Code (AAC) R17-4-601 through 612.

Title 34: Public Buildings and Improvements

1. **Local Codes.** Public buildings must be designed or constructed according to the state fire code adopted by the state fire marshal and applicable building, plumbing, electrical, fire prevention and mechanical codes adopted by the city or town in

Title 34: Public Buildings and Improvements *(continued)*

which the building is located, or, if in an unincorporated area, by the county in which the building is located in the same manner as any other building. The owner of the public building is subject to the same fees required of other persons and public buildings and are subject to inspection during construction to ensure compliance. "Public building" means a building or appurtenance to a building which is built in whole or in part with public monies (ARS §34-461).

Title 36: Public Health and Safety

1. **Report of Contagious Diseases.** A person who learns that a contagious, epidemic or infectious disease exists shall immediately make a written report of the particulars to the appropriate board of health or health department. The report must include names and residences of persons afflicted with the disease (ARS §36-621; R9-6-336 Measles (Rubeola); R9-338 Mumps; R9-6-339 Pediculosis (Lice Infestation); R9-6-340 Pertussis (Whooping Cough); R9-6-349 Rubelola (German Measles); R9-6-352 Scabies; R9-6-365 Varicella (Chicken Pox); R9-6-601 Tuberculosis).

2. **Child Day Care Programs.** ARS §36-884 provides that if a public school provides child care other than during regular school hours or for children who are not regularly enrolled in Kindergarten programs or grades one through twelve, that portion of the school that provides child care is subject to standards of care prescribed pursuant to ARS §36-883.04.

3. **Child Hearing Programs.** Unless a parent specifically refuses to allow a child to have a hearing test, the Department of Health Services must provide hearing evaluation services for all children in public or private education programs. Schools must cooperate in the implementation of the child hearing program (ARS §§36-899 through 899.04).

4. **Confidential Records.** Behavioral health records may be disclosed to the Department of Education or school district of residence [or Charter School] of a person between three and twenty-two years of age for whom the information is necessary in order to comply with the Individuals with Disabilities Education Act (IDEA). The information shall be limited to evaluation and treatment information that affects the educational programming and placement decisions for the patient (ARS §36-509(A)(10)). The Department of Health Services (ARS §36-531(E)) or the Department of Economic Security (ARS §36-555(A)) may conduct joint evaluations with school districts [and Charter Schools] and other state agencies, and may share evaluation information for the purposes of complying with the IDEA.

5. **Smoking in Public Buildings.** Prohibits smoking in school buildings (ARS §36-601.01).

Title 36: Public Health and Safety *(continued)*

6. **Construction in Public Buildings.** Requires that doors on school buildings and auditoriums open outward (ARS §36-1641).

7. **Lead Based Paint.** Prohibits the application of lead-based paint to any interior surface of a public building or to the exteriors and porches of buildings which are readily accessible to children under seven years of age (ARS §36-1674).

8. **Swimming Pools.** Any Charter School located in a building which has a swimming pool must comply with the pool enclosure requirements of ARS §36-1681.

Title 38: Public Officers and Employees

1. **Unlawful Reprisal** It is a prohibited personnel practice for an employee who has control over personnel actions to take reprisal against an employee for a disclosure of information by the employee to a public body which the employee reasonably believes evidences a violation of any law or mismanagement (a gross waste of monies or an abuse of authority) (ARS §38-532).

2. **Compensation for Legal Holidays.** All public employees who work forty hours or more per week who do not receive either compensation or commensurate time off for legal holidays worked, regardless of the day of the week on which the holidays fall, shall receive, for each such holiday worked, one day additional vacation leave or one day additional compensation for each such legal holiday worked (ARS §38-608).

3. **Military Training.** Employees and officers of the State, or of any county, city or town, or of any agency or political subdivision, must be granted leaves of absence from their duties without loss of time, pay or efficiency rating, on all days during which they are employed on training duty or to attend camps, maneuvers, formations or drills under orders with any branch, reserve, or auxiliary of the armed forces of the United States, for a period not to exceed thirty days in any two consecutive calendar years. This time may not be deducted from the vacation period with pay to which any employee is otherwise entitled (ARS §38-610).

   An employer must permit members of the National Guard to take leaves of absence for the purpose of complying with competent orders of the state or United States for active duty or to attend camps, maneuvers, formations, or armory drills. These leaves of absence do not affect any vacation rights the employee has (ARS §26-168).

4. **State Retirement System** All employees and officers of the State, instrumentalities and political subdivisions establishing a retirement system shall be subject to the State Retirement System unless exempted by another provision of law. This includes all employees and officers of political subdivisions and instrumentalities of

Title 38: Public Officers and Employees *(continued)*

political subdivisions whose compensation is provided wholly or in part from State funds and who are declared to be State employees and officers by the Legislature (ARS §38-711 *et seq.*).

Title 41: State Government

1. **Arizonans with Disabilities.** Requires that all public buildings and buildings in which public services are provided be physically accessible to persons with disabilities. The non-discrimination provisions also prohibit indirect discrimination through contracting, licensing or other arrangements (ARS §§41-1492 through 41-1492.11).

2. **Public Records Management.** Requires the management of public records in a manner consistent with the procedures established by the Department of Library, Archives and Public Records (ARS §41-1346).

3. **Preservation of Public Records.** Requires that records made by public officials in the course of their public duties are the property of the State and may not be destroyed or otherwise disposed of by any agency of the State, unless it is determined to have no further administrative, legal, fiscal, research or historical value. Statutory provisions may apply to those records of the Charter School which are required to be maintained for State or Federal audit purposes. (ARS §41-1346 through 1350, 1354)

4. **Nondiscrimination in Employment.** It is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate with respect to compensation, terms, conditions or privileges of employment because of race, color, religion, sex, age, handicap or national origin (ARS §41-1463(B)(1). It is also unlawful to limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or adversely affect the individual's status as an employee on the basis of race, color, religion, sex, age, handicap or national origin (ARS §41-1463(B)(2)). It is an unlawful employment practice for an employer to discriminate against any employee or applicant for employment because the employee or applicant has opposed an unlawful employment practice (ARS §41-1464). Employers must maintain records relevant to the determination of whether unlawful employment practices have been or are being committed, unless an exemption is granted (ARS §41-1482).

5. **State Fire Marshal.** The Fire Marshal shall enforce rules and regulations for establishing programs for evacuating school buildings and for instructing all students in public and private schools as to proper methods of fire prevention and control (ARS §41-2165). The Fire Marshal must also assist in the enforcement of

Title 41: State Government *(continued)*

State laws and ordinances of cities and countries relating to fire prevention and protection, establish a regularly scheduled fire safety inspection program for all State and county-owned public buildings and all public and private school buildings (ARS §41-2163).

FEDERAL STATUTES AND REGULATIONS APPLICABLE TO CHARTER SCHOOLS

I. Laws Applicable to Charter Schools Whether or Not They Receive Federal Funding

The following summaries are of laws which generally apply to businesses, employers or schools. The information which is most relevant to Charter Schools has been included. The statutory reference is provided for each Act for those who wish to review the entire text. Specific questions regarding applicability or exceptions should be referred to legal counsel for the Charter School.

1. **Age Discrimination in Employment Act,** 29 U.S.C. §§621-634. Prohibits an employer from failing or refusing to hire or to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of the individual's age. Prohibits limiting, segregating or classifying employees in such a manner as to adversely affect the employee's status because of age, or reducing the wage rate of any employee in order to comply with this law. "Employer" is defined to include a person engaged in an industry affecting commerce which has 20 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, any agent of such a person, and a State and any interstate agency, but not the United States or a corporation wholly owned by the government of the United States.

2. **Americans with Disabilities Act,** 42 U.S.C. §12101-12213. Prohibits discrimination against persons with disabilities and requires affirmative action, including mandatory accommodations, to ensure that discrimination does not occur in employment, public access to facilities and services, transportation, communication and government services. The requirements apply to all governmental entities and private employers of 15 or more employees.

3. **Asbestos Hazard Emergency Response Act,** 15 U.S.C. §§2641-2655. Provides for Federal regulations which require inspection for asbestos-containing material and implementation of appropriate response actions with respect to asbestos-containing material in schools. Applies to any local educational agency (LEA) as defined at 20 U.S.C. §8801(18), the owner of any private, nonprofit elementary or secondary school building, and the governing authority of Department of Defense schools. Applies to any school as defined at 15 U.S.C. §2642(12). "School building" means any structure or other facility which is suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility or recreational activities for an academic course in physical education [and] any other facility used for the

I. Laws Applicable to Charter Schools Whether or Not They Receive Federal Funding (*continued)*

instruction of students or for the administration of educational or research programs (15 U.S.C. §2642(13)).

4. **Asbestos School Hazard Detection and Control Act.** 20 U.S.C. §§ 3601-3611. Makes loans available for up to 50% of the cost of asbestos abatement. "LEA" refers to any local education agency as defined in 20 U.S. C. §8801(18), any nonprofit elementary or secondary school owned and operated by one or more nonprofit corporations or associations or any school of any agency of the United States. [See also, Asbestos School Hazard Abatement Act, 20 U.S.C. §§4011-4021.]

5. **Civil Rights Act of 1964,** 42 U.S.C. §§1981 to 1988. Specifically guarantees equal rights under the law to all persons, regardless of color, regarding contracts, the right to sue, be parties, give evidence, the full and equal benefit of all laws and proceedings, and property rights for citizens, as well as the same punishments, pains, penalties, taxes, licenses and exactions of every kind. Prohibits discrimination on the basis of disability. Provides for compensatory and punitive damages and attorney's fees.

    a. **Title IV,** 42 U.S.C. §§2000c-2000c-9. Requires desegregation of public schools. "Desegregation" is defined to include the assignment of students to public schools and within such schools without regard to their race, color, religion, sex or national origin, but does not include the assignment of students to public schools in order to overcome racial imbalance or classification and assignment for reasons other than those specified. "Public school" is defined to include any elementary or secondary educational institution which is operated by a State, subdivision of a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

    b. **Civil Rights Act of 1964, Title VI,** 42 U.S.C. §§2000d-2000d-7. Prohibits exclusion from participation in, denial of benefits of, and discrimination under Federally assisted programs or activities on the grounds of race, color or national origin. "Program or activity" is defined to include, among other entities, an LEA, system of vocational education or other school system, or an entire corporation, partnership or other private organization, or an entire sole proprietorship if assistance is extended to the entity or the entity is "...principally engaged in the business of providing education, health care, housing, social services, or parks and recreation...."

I. Laws Applicable to Charter Schools Whether or Not They Receive Federal Funding *(continued)*

6. **Employment Retirement Income Security Act (ERISA),** 29 U.S.C. §§1001-1461, including changes made by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), 29 U.S.C. §§1161-1169. Provisions of ERISA generally apply to sponsors of and participants in group pension plans; provisions of COBRA generally apply to sponsors of and participants in group health plans..

7. **Equal Educational Opportunities Act,** 20 U.S.C. §§ 1701-1758. Prohibits the denial of equal educational opportunity to an individual based on race, color, sex or national origin by the deliberate segregation by an educational agency of students among or within schools. The prohibition extends to: the failure of an educational agency which has formerly practiced deliberate segregation to take affirmative steps to remove the vestiges of a dual school system; the assignment of students in such a manner as to promote segregation, unless assigned to the neighborhood school; discrimination in employment, employment conditions or assignment of faculty or staff; the transfer of a student from one school to another if the purpose and effect is to increase segregation, or the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in instructional programs. The Act does not require the assignment or transportation of students or teachers in order to overcome racial imbalance. "Educational agency" is defined by section 801(k) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. §1720).

8. **Fair Labor Standards Act,** 29 U.S.C. §§201-219. Applies to an "employer," which is defined to include any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency, but does not include any labor organization (other than when acting as an employer). "Employee" is defined to include any individual employed by an employer, except for certain relatives of an employer engaged in agriculture. Addresses minimum wages, maximum work hours, child labor provisions, prohibited acts, penalties, etc.

9. **Family Education Rights and Privacy Act of 1974,** 20 U.S.C. §1232g. Requires access by parents and eligible students to the student's educational records. Specifies how and when personally identifiable information regarding the student may be disclosed, including requirements for consent and/or notice upon disclosure. Applies to all public schools in Arizona pursuant to A.R.S. §15-141(A).

10. **Immigration Reform and Control Act,** 8 U.S.C. §§1324a, 1324b. Prohibits any person or entity from hiring, recruiting or referring for a fee for employment in the United States an alien, knowing the alien is unauthorized. Hiring such a person through a contract, subcontract or exchange is also prohibited. Also prohibits discrimination

I. Laws Applicable to Charter Schools Whether or Not They Receive Federal Funding *(continued)*

on the basis of national origin against an individual, other than an unauthorized alien, in hiring, recruiting or referring for a fee or discharging from employment.

11. **Occupational Safety and Health,** 29 U.S.C. §§651, *et seq*. Requires employers to furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. Requires employers to comply with safety and health standards promulgated under the statute and requires employees to comply with standards and rules, regulations and orders which are applicable to their individual actions.

12. **Radon Pollution Control Act,** 15 U.S.C. §§2661 to 2671. Applies to any "local education agency," (LEA) as defined at 20 U.S.C. §8801; the owner of any nonprofit elementary or secondary school building; and the governing authority of any school operated pursuant to section 241 of Title 20, relating to impact aid for children who reside on Federal property.

13. **Stewart B. McKinney Homeless Assistance Act,** 42 U.S.C. §11421 to 11432. Makes available grants to States in order to provide a program of literacy training and basic skills remediation for adult homeless individuals within the State and to assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education.

II. Laws Generally or Specifically Applicable to Charter Schools Which Receive Federal Funding

The following summary provides information regarding several laws which make funds available for specific purposes, which funding may be available to qualified Charter Schools. A few of the laws are generally applicable to any education agency, including a Charter School, which receives any funding from the Federal government; others apply to any recipient of funds specifically from the U.S. Department of Education.

1. **Adult Education Act,** 20 U.S.C. §§1201-1209. Provides grants to States to assist in the funding of adult education programs, services and activities of eligible participants.

2. **Carl D. Perkins Vocational and Applied Technology Education Act,** 20 U.S.C. §§2301-2471. [See especially 20 U.S.C. §2331]. Provides grants to States on a dollar-for-dollar match basis for the purpose of providing programs and activities for vocational teachers and academic teachers working with vocational education students, including corrections educators and counselors, and educators and counselors in community-based organizations, including in-services and preservice training. The programs and activities may include, among other things, the promotion of partnerships among business, education (including educational agencies), industry, labor, community-based organizations, or governmental agencies.

3. **Drug-Free Workplace Act of 1988.** 20 U.S.C. §§702-707. Provides that no person, other than an individual, shall be considered a responsible source for the purposes of being awarded a contract for the procurement of any property or services of a value of $25,000 or more from any Federal agency unless the person has certified that it will provide a drug-free workplace by taking specified steps and providing assurances to the Federal agency that the employer has complied with the terms of the Act.

4. **Individuals with Disabilities Education Act,** 20 U.S.C. §1400-1485. Requires recipients of federal funding under the Act to comply with procedural and due process requirements to ensure that children with disabilities are provided with a free, appropriate public education.

5. **Rehabilitation Act of 1973, Section 504,** 29 U.S.C. §794. Prohibits discrimination in any program receiving federal financial assistance on the basis of disability for otherwise qualified individuals with disabilities.

Family Policy Compliance Office

Family Educational Rights & Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is a Federal law designed to protect the privacy of a student's education records. The law applies to all schools which receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student, or former student, who has reached the age of 18 or is attending any school beyond the high school level. Students and former students to whom the rights have transferred are called eligible students.

- Parents or eligible students have the right to inspect and review all of the student's education records maintained by the school. Schools are not required to provide copies of materials in education records unless, for reasons such as great distance, it is impossible for parents or eligible students to inspect the records. Schools may charge a fee for copies.
- Parents and eligible students have the right to request that a school correct records believed to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record commenting on the contested information in the record.
- Generally, schools must have written permission from the parent or eligible student before releasing any information from a student's record. However, the law allows schools to disclose records, without consent, to the following parties:
    - School employees who have a need to know;
    - Other schools to which a student is transferring;
    - Certain government officials in order to carry out lawful functions;
    - Appropriate parties in connection with financial aid to a student;
    - Organizations conducting certain studies for the school;
    - Accrediting organizations;
    - Individuals who have obtained court orders or subpoenas;
    - Persons who need to know in cases of health and safety emergencies; and State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may also disclose, without consent, "directory" type information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

For additional information or technical assistance, you may call (202) 260-3887 or TDD (202) 260-8956 or contact:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue. S.W.
Washington, D.C. 20202-4605

Office of Management's Homepage
This page last updated 9/22/97 *(pjh)*

http://www.ed.gov/offices/OM/ferpa.html

PROTECTING THE PRIVACY OF STUDENT EDUCATION RECORDS

Student education records are official and confidential documents protected by one of the nation's strongest privacy protection laws, the Family Educational Rights and Privacy Act (FERPA). FERPA, also known as the Buckley Amendment, defines education records as all records that schools or education agencies maintain about students.

FERPA gives parents (as well as students in post-secondary schools) the right to review and confirm the accuracy of education records. This and other United States "privacy" laws ensure that information about citizens collected by schools and government agencies can be released only for specific and legally defined purposes. Since enacting FERPA in 1974, Congress has strengthened privacy safeguards of education records through this law, refining and clarifying family rights and agency responsibilities to protect those rights. FERPA's legal statute citation can be found in the U.S. Code (20 USC 1232g), which incorporates all amendments to FERPA. FERPA regulations are found in the Federal Register (34 CFR Part 99). FERPA's 1994 amendments are found in Public Law (P.L.) 103-382.

FERPA Protects Privacy

FERPA applies to public schools and state or local education agencies that receive Federal education funds, and it protects both paper and computerized records. In addition to the Federal laws that restrict disclosure information from student records, most states also have protection laws that reinforce FERPA. State laws can supplement FERPA, but compliance with FERPA is necessary if schools are to continue to be eligible to receive Federal education funds.
FERPA requires schools and local education agencies to annually notify parents of their rights under FERPA. The notice must effectively inform parents with disabilities or who have a primary home language other than English. The annual notice pertaining to FERPA rights must explain that parents may inspect and review records and, if they believe the records to be inaccurate, they may seek to amend them. Parents also have the right to consent to disclosures of personally identifiable information in the record, except under authorized circumstances.

FERPA gives both parents, custodial and non-custodial, equal access to student information unless the school has evidence of a court order or state law revoking these rights. When students reach the age of 18, or when they become students at post-secondary education institutions, they become "eligible students" and rights under FERPA transfer to them. However, parents retain access to student records of children who are their dependents for tax purposes.

FERPA Defines an Education Record

Education records include a range of information about a student that is maintained in schools in any recorded way, such as handwriting, print, computer media, video or audio tape, film, microfilm, and

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[1] This document was prepared by Policy Studies Associates, Inc. under contract to the Council of Chief State School Officers. The document was printed by the National Center for Education Statistics for the National Forum on Education Statistics. The Forum represents the education agencies of the 50 states, the District of Columbia, and five outlying areas as well as professional associations and federal agencies that are users or providers of education data. The views expressed here do not necessarily reflect the policy of the U.S. Department of Education, and no official endorsement should be inferred. The document has been revised in accordance with the final regulations implementing Section 249 of the Improving America's Schools Act. Federal Register, Vol 61 (226), Thursday, November 21, 1996, pp 59291-59298.

microfiche. Examples are:

- Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies;
- Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school;
- Special education records;
- Disciplinary records;
- Medical and health records that the school creates or collects and maintains;
- Documentation of attendance, schools attended, courses taken, awards conferred, and degrees earned;
- Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.

Personal notes made by teachers and other school officials that are not shared with others are not considered education records. Additionally, law enforcement records created and maintained by a school or district's law enforcement unit are not education records.

Part of the education record, known as *directory information,* includes personal information about a student that can be made public according to a school system's student records policy. Directory information may include a student's name, address, and telephone number, and other information typically found in school yearbooks or athletic programs. Other examples are names and pictures of participants in various extracurricular activities or recipients of awards, pictures of students, and height and weight of athletes.

Each year schools must give parents public notice of the types of information designated as directory information. By a specified time after parents are notified of their review rights, parents may ask to remove all or part of the information on their child that they do not wish to be available to the public without their consent.

FERPA Guarantees Parent Review and Appeal

If, upon review, parents find an education record is inaccurate or misleading, they may request changes or corrections, and schools and education agencies must respond promptly to these requests.

Requests should be made in writing, according to an agency's annual notice of procedures for exercising rights to amend records. Within a reasonable time period, the school or agency must decide if the request to change a record is consistent with its own assessment of the accuracy of the record. If a parent's request is denied, he or she must be offered the opportunity for a hearing. If the disagreement with the record continues after the hearing, the parent may insert an explanation of the objection in the record. FERPA's provisions do not apply to grades and educational decisions about children that school personnel make.

While parents have a right to review records, schools are not required by Federal law to provide copies of information, unless providing copies would be the only way of giving parents access. Schools may charge a reasonable fee for obtaining records, and they may not destroy records if a request for access is pending,.

FERPA Restricts Disclosure of Student Records

Local education agencies and schools may release information from students' education records with the prior written consent of parents, under limited conditions specified by law, or as stated in local agencies' student records policies. The same rules restricting disclosures apply to records maintained by third parties acting on behalf of schools, such as state and local education agencies, intermediate administrative units, researchers, psychologists, or medical practitioners who work for or are under contract to schools.

If an education agency or a school district has a policy of disclosing records, it must specify the criteria for determining school officials within an agency, including teachers, who have a legitimate educational interest. Generally, school officials have legitimate educational interest if they need to review an education record to fulfill their professional responsibilities.

Teachers and school officials who work with the students and schools to which students apply for entrance may also have access to education records without prior consent of the parent. In addition, information from students' records may be released to state and local education officials to conduct audits or to review records in compliance with Federal laws. Schools may also disclose information from education records without the consent of parents in response to subpoenas or court orders. A school official must make a reasonable effort to notify the parent before complying with the subpoena unless the subpoena is issued to enforce a law and specifies not to notify the parent. In emergencies, school officials can provide information from education records to protect the health or safety of the student or others.

There are cases when schools or school systems decide it is in the public interest to participate in policy evaluations or research studies. If student records are to be released for these purposes, the school or school system must obtain prior consent of the parent. Signed and dated written consent must:

- Specify the records that will be released;
- State the reason for releasing the records;
- Identify the groups or individuals who will receive the records.

In general, information about each request for records access and each disclosure of information from an education record must be maintained as part of the record until the school or agency destroys the education record. Outside parties receiving records must receive a written explanation of the restrictions on the release of information.

Additional FERPA Provisions

In 1994, the Improving America's Schools Act amended several components of FERPA, tightening privacy assurances for students and families. The amendments apply to the following key areas:

- Parents have the right to review the education records of their children maintained by state education agencies;
- Any third party that inappropriately re-releases personally identifiable information from an education record cannot have access to education records for five years;
- Information about disciplinary actions taken against students may be shared, without prior consent of the parent, with officials in other education institutions;
- Schools may release records in compliance with certain law enforcement judicial orders and subpoenas without notifying parents.

Questions? Call the Local School System, State Education Agency, or the Federal Family Policy Compliance Office.

School districts, state education agencies, and the U.S. Department of Education all offer assistance about FERPA. Before contacting Federal officials, however, you can often get a direct and immediate response from your local or state education officials.

The Family Policy Compliance Office can be reached at the following address:

U.S. Department of Education
600 Independent Avenue, SW
Washington, DC 20202-4605
(202) 260-3887

OPEN MEETING LAW SUMMARY
INTRODUCTION

The purpose of this pamphlet is to assist state and local government officials in conducting their business in accordance with the requirements of the Arizona Open Meeting Law.

The life of a public official is not an easy one. State laws, such as the one highlighted in this pamphlet, substantially affect the manner in which government conducts its business. Good intentions help, but they are not enough. Public officials must be familiar with the laws governing their conduct in public office. Violations of the Open Meeting Law carry stiff penalties.

I hope you will take the time to read this pamphlet and retain it for future reference. More importantly, I hope this pamphlet will prompt you to discuss this law with your attorney. THIS PAMPHLET IS ONLY A STARTING POINT FOR DISCUSSION OF YOUR PARTICULAR CONCERNS, AND IT SHOULD NOT BE VIEWED AS A SUBSTITUTE FOR LEGAL ADVICE FROM YOUR ATTORNEY.

The Attorney General's office has published two comprehensive handbooks for public officials. The Arizona Agency Handbook contains a detailed discussion of state laws that apply to state officials. The Arizona Local Government Handbook contains a similar discussion of state laws applicable to local government officials. Both handbooks are designed for use by staff and legal counsel of public bodies as well as by public officials, and both contain chapters devoted to a detailed discussion of the Open Meeting Law.

Grant Woods
Attorney General

GENERAL PROVISIONS

The operation of government and, specifically, the activities of government officials are issues of concern to the general public. Although there are many reasons for this movement toward public awareness, there seems to be one distinct message delivered by the public: THE PUBLIC'S BUSINESS MUST BE CONDUCTED IN PUBLIC!

The Arizona legislature has stated its policy concerning open meetings very clearly:

> It is the public policy of this state that proceedings in meetings of governing bodies of the state and political subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their official deliberations and proceedings be conducted openly. Laws 1962, Ch. 138, § 1.

The Law provides very simply that, with a few limited exceptions, all meetings of a public body shall be open to all persons desiring to attend. The Law defines a "meeting" as "the gathering of a quorum of members of a public body to propose or take legal action, including any deliberations with respect to such action." A.R.S. § 38-431(3). The label attached to a public meeting does not affect compliance with the Law. Whether the meeting is referred to as regular or special, workshop or study session, the notice, agenda and minute-taking requirements must be met. The only exception is an executive session, which is discussed later.

"Public body" is defined as "... the legislature, all boards and commissions of the state or political subdivisions, all multi-member governing bodies of departments, agencies, institutions and instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body." A.R.S. § 38-431(5).

This broad definition includes planning and zoning commissions, boards of adjustment, state licensing boards, library boards and school boards. It also includes advisory and subcommittees, even if no member of the public body is a member.

PUBLIC NOTICE OF MEETINGS

The Law requires a public body to give notice of all public meetings and executive sessions to members of the public and to members of the public body.

In giving notice, the first step is to file with the appropriate official a statement identifying where public notices of the meetings of the public body will be posted. Those officials include the Secretary of State (for state public bodies), the Clerk of the Board of Supervisors (for county, school district and special district public bodies) and the City or Town Clerk or Mayor's Office (for local public bodies).

Once this statement has been filed, the Law requires that the public body post notice of each of its meetings in accordance with this statement and "give such additional notice as is reasonable and practicable." A.R.S. § 38-431.02(A)(1). Notice of individual meetings is not necessary if the public body chooses to post one notice of all of its meetings during a specified time period. A.R.S. § 38-431.02(F).

As a general rule, no public meeting or executive session may be held with less than 24 hours' notice. The notice must include the date, time and place of the meeting. If an executive session will be held, the notice must cite the specific provision of law authorizing the executive session. A.R.S. § 38-431.02.

There are two exceptions to the notice requirements outlined above. First, a meeting for which notice has been properly posted may be recessed and resumed with less than 24 hours' notice. The date, time and place of the resumed meeting must be provided prior to recessing the originally posted meeting. A.R.S. § 38-431.02(E).

Second, an emergency meeting may be held with less than 24 hours' notice. The meeting must be necessary because of an actual emergency. Such an emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequences that would result from waiting until the required notice could be given. Prior to the emergency discussion or action, the members of the public body must announce the nature of the emergency, and those reasons must be included in the minutes of the emergency meeting. A.R.S. § 38-431.02(D).

AGENDAS

In addition to notice of the time, date and place of the meeting, the Law requires that the notice include either an agenda of the matters to be discussed, considered or decided at the meeting, or information on how the public may obtain a copy of the agenda. The agenda for a public meeting must list the "specific matters to be discussed, considered or decided" and should contain "such information as is reasonably necessary to inform the public of the matters to be discussed or decided." A.R.S. § 38-431.02(H). Such items as "new business"or "old business" alone are insufficient unless the specific items of new or old business are included.

Agendas for executive sessions must contain a "general description of the matters to be considered" but should not contain information that "would defeat the purpose of the executive session." A.R.S. § 38-431.02(I).

The agenda may be made part of the public notice or, if the notice advises the public as to how they can obtain an agenda, it can be distributed separate from the notice. In either case, the agenda must be made available at least 24 hours before the meeting, unless an actual emergency is found to exist. Supporting documentation which is referred to in or made part of the agenda must be made available to the public in the same time frame. It may be appended to the actual agenda itself, or the agenda may advise the public where such supporting documentation can be obtained.

The agenda sets the parameters of the public meetings. Only those items specifically listed on the agenda or other matters related thereto may be discussed, considered or decided.

EXECUTIVE SESSIONS

The Law permits an executive session or closed meeting to be held for discussion and consideration of any of seven particular subjects. In addition to the notice requirements set forth earlier, a majority of the members of the public body must vote to convene an executive session during a public meeting held prior to the executive session. The general public is properly excluded from such a session. Only those individuals necessary to the conduct of such a meeting may be present. All matters discussed in an executive session must be kept confidential by those attending. Finally, no vote may be taken during an executive session. Any final action on an item discussed in an executive session must be taken during a public meeting. A.R.S. § 38-431.03.

The purposes for which an executive session discussion may be held are the following:

1. Personnel matters involving a specific individual.
2. Confidential records.
3. Legal advice provided by the public body's attorney.
4. Discussion of pending or contemplated litigation with the public body's attorney.
5. Instruction of designated representatives concerning negotiations with employee organizations.

6. International and interstate negotiations and negotiations by a city or town with a tribal council.
7. Instruction of designated representatives concerning negotiations for the purchase of real property.

Improper use of the executive session provision is the most common type of Open Meeting Law violation. A clear procedure to use when holding an executive session should be established by a public body with the assistance of its attorney.

MINUTES

All public bodies, except subcommittees and advisory committees, must provide written minutes or a recording of all meetings. A.R.S. § 38-431.01. The minutes or recording of all public meetings must include, at a minimum, the following:

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters discussed or considered.
4. An accurate description of all legal action proposed, discussed or taken and the names of members who propose each motion.
5. The names of persons making statements or presenting material to the public body and a reference to the specific legal action addressed by the person.
6. Sufficient information to permit further investigation of the background or specific facts of a decision if the discussion in the public session does not adequately disclose the subject matter and specifics of the action taken.
7. A statement setting forth the reasons necessitating a discussion, consideration or decision without the matter being placed on the agenda in case of an actual emergency.
8. A copy of the disclosure statement required in case of ratification.

The minutes of executive sessions must contain the information described in paragraphs 1, 2, 3 and 7 above.

The minutes or a recording of any meeting, except an executive session, must be open to public inspection no later than three working days after the meeting. A.R.S. § 38-431.01. Minutes must be taken in executive sessions and must be kept confidential except from the members of the public body which met in executive session; the officers, appointees or employees who are the subject of discussion; or the county attorney, the attorney general or the auditor general. If the public body wishes to exclude all staff from attending the executive session, then the minutes should be kept or recorded by a member of the public body. A.R.S. § 38-431.03.

In addition to written or recorded minutes of the meeting, the Law provides that any part of a public meeting can be recorded by any person in attendance by means of a tape recorder, camera or other means of sonic reproduction as long as there is no significant interference with the conduct of the meeting. A.R.S. § 38-431.01(E).

RATIFICATION

A public body may ratify legal action previously taken in violation of the Law. Ratification is appropriate when the public body needs to validate retroactively a prior act in order to preserve the earlier effective date of the action.

Ratification merely validates the prior action. It does not eliminate liability of the public body or others for violation of the Law.

The procedure for ratification is prescribed in A.R.S. § 38-431.05(B). It is a detailed and complicated procedure which must be followed carefully and with advice of the public body's attorney.

SANCTIONS

If any business of a public body is conducted in violation of the Law, the actions taken at such a meeting are null and void. Any person affected, the attorney general, or the county attorney for the county in which an alleged violation occurred, may file an action and obtain civil penalties, attorney's fees and court injunctions against the offending public body or public official. If the court finds that a public officer intentionally violated the Law, the court may remove him from office and assess him personally with the attorney's fee award. A.R.S. § 38-431.07.

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The Honorable Mary Hartley
Arizona State Senate September 15, 1995
Re: I95-010 (R95-015)

This letter responds to your request for an opinion regarding whether the Arizona Public Records Law (Arizona Revised Statutes Annotated ("A.R.S.") §§ 39-121 through -122) and Open Meeting Law (A.R.S. §§ 38-431 through -431.09) apply to charter schools. We conclude that these laws do apply to charter schools. In arriving at our conclusion, we find that charter schools are "public bodies" for purposes of the Public Records and Open Meeting Laws, and that the exception for charter schools from certain statutes does not exempt charter schools from either the Public Records or Open Meeting Laws.

Charter Schools

The Legislature has defined a charter school to be a "public school."(1) A.R.S. § 15-101(3). A charter school is established by contract between a sponsor (which may be a school district governing board, the State Board of Education, or the State Board for Charter Schools) and a public body, private person, or private organization. A.R.S. §§ 15-101(3), -183(B). The purpose of a charter school is to provide both a learning environment that will improve pupil achievement and additional academic choices for parents and pupils. A.R.S. § 15-181(A). Generally, charter schools must enroll all eligible pupils, unless the number of applicants exceeds the capacity of the program. A.R.S. § 15-184(A).

The State requires that the charter of each charter school must ensure that the school complies with federal, state, and local statutes and rules relating to health, safety, civil rights, and insurance; is nonsectarian in its programs, admission policies, employment practices, and all other operations; provides a comprehensive program of instruction; designs a method to measure pupil progress toward the pupil outcomes adopted by the State Board of Education; is subject to the same financial requirements as school districts (including the uniform system of financial records, procurement rules, and audit requirements), subject to exceptions determined necessary by the charter school's sponsor; and complies with all federal and state laws relating to the education of children with disabilities in the same manner as a school district. A.R.S. § 15-183(E)(1)-(4), (6)-(7). The charter of a charter school must also establish a governing body that is responsible for the policy and operational decisions of the school, and describe the school's personnel policies and qualifications, as well as the method of school governance and the specific roles and duties of the charter school. A.R.S. § 15-183(E)(8), (F).

The charter school's public sponsor must be involved in overseeing the school. For example, the charter may be amended only with the approval of the sponsor. A.R.S. § 15-183(G). Also, the charter is limited in term to five years and may be renewed (or not) at the discretion of the sponsor. A.R.S. § 15-183(I). Furthermore, a sponsor may revoke a charter at any time if the charter school breaches one or more provisions of its charter. *Id.*

To provide financial support, the Legislature authorized public funding for qualifying charter schools. A.R.S. §§ 15-181(B), -185. The amount of tax dollars provided to charter schools is computed either as a per pupil expenditure (if the charter school is sponsored by a school district governing board) or according to a specific formula that includes base support, transportation support, capital outlay revenue limits, and capital levy revenue limits established by statute. A.R.S. § 15-185(A) and (B).

The General Charter School Exception Does Not Apply

In addition to these mandates and authorizations, the Legislature noted that "except as provided in this article and in its charter, [a charter school] is exempt from all statutes and rules relating to schools, governing boards and school districts." A.R.S. § 15-183(E)(5). This exception appears to be directed towards the statutes in Title 15 (Education Code) and rules authorized by Title 15, and is not a sweeping exception from all non-Title 15 statutes and rules that schools must obey, such as criminal laws (for example, charter schools cannot abuse children) and gambling laws (for example, charter schools cannot operate casinos). Because an entity's status as a "public body" for purposes of the Public Records and Open Meeting Laws is determined by the factors established in those laws and not Title 15, we find that the exception in A.R.S. § 15-183(E)(5) does not apply to our inquiry. Thus, we evaluate the applicability of the Public Records and Open Meeting Laws according to the characteristics of charter schools.(2)

Applicability of Arizona's Public Records Law

According to A.R.S. § 39-121, "[p]ublic records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person." (Emphasis added.) Moreover, "'[o]fficer' means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body." A.R.S. § 39-121.01(A)(1) (emphasis added).

Additionally,

> "[p]ublic body" means the state, any county, city, town, school district, political subdivision or tax-supported district in the state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by funds from the state or any political subdivision thereof, or expending funds provided by the state or any political subdivision thereof.

A.R.S. § 39-121.01(A)(2).

In this case, charter schools are "public schools" that are sponsored by other public bodies and that receive financial support either from a school district(3) or the State treasurer. A.R.S. §§ 15-101(3), -185. Because charter schools are supported in whole or in part by the State or any political subdivision of the State, they are "public bodies" for purposes of the Public Records Law and the officers (as the term is defined in A.R.S. § 39-121.01(A)(1)) of the charter school are subject to the Public Records Law.

Applicability of Arizona's Open Meeting Law

In answering your question about whether the Open Meeting Law applies to charter schools, we are directed by the Legislature's specific instruction that "any person or entity charged with the interpretations of this article [Open Meeting Law] shall take into account the policy of this article and shall construe any provision of this article in favor of open and public meetings." A.R.S. § 38-431.09. Thus, the Legislature directed that the Open Meeting Law be construed broadly, maximizing public access to the government process.

Under the Open Meeting Law, "[a]ll meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A.R.S. § 38-431.01(A) (emphasis added). A "public body" as defined in the Open Meeting Law means

> the legislature, all boards and commissions of the state or political subdivisions, all multi-member governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body.

A.R.S. § 38-431(5) (emphasis added). An institution of the State or political subdivision under A.R.S. § 38-431(5) "connotes an institution created by law as an organic constituent of the state or a political subdivision which functions as a concrete manifestation thereof," while the term "instrumentality" suggests" a means or agency which is a minor part of a larger entity or under the control of a subsuming organization." *Prescott Newspapers, Inc. v. Yavapai Community Hosp. Ass'n*, 163 Ariz. 33, 39, 785 P.2d 1221, 1227 (App. 1989) (quoting WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY). If an entity is not a "public body" under A.R.S. § 38-431(5), it is not subject to the Open Meeting Law. Ariz. Att'y Gen. Op. I88-055.

In *Prescott Newspapers*, the Arizona Court of Appeals analyzed the concepts of institution and instrumentality used in the Open Meeting Law as they related to a hospital association. The court, in holding that the hospital association in question was not an institution of the State, focused its inquiry on whether the association (1) was a creation of law or a group of private individuals acting consistent with Arizona's statutes governing non-profit corporations; (2) had its powers and duties dictated by statute or rule or by its articles of incorporation, corporate by-laws, and contracts; (3) was formed and operated independent of the State or a political subdivision; and (4) levied taxes or independently funded itself. Id. The court also held that the association was not an instrumentality of the State or a political subdivision because the association, although it contracted with the hospital district, was not a part, organ, or subsidiary branch of the district and operationally was not under the district's control. *Id.*

The court also found that the hospital association did not meet the characteristics of a "public" hospital described in *Peterson v. Tucson General Hospital*, 114 Ariz. 66, 559 P.2d 186 (App. 1976). In *Peterson*, the court of appeals characterized a "public" hospital as "an instrumentality of the state, founded and owned in the public interest, supported by public funds, and governed by those deriving their authority from the state." *Id.* at 69, 559 P.2d at 189. The *Prescott Newspapers* court determined that because the hospital association was neither supported by public funds nor governed by those who derive their authority from the State, it was not an instrumentality of a political subdivision under A.R.S. § 38-431(5). *Prescott Newspapers*, 163 Ariz. at 40, 785 P.2d at 1228.

Charter schools, however, have significant public components which the hospital association in *Prescott Newspapers* lacked. For example, charter schools are a unique creation of law that was nonexistent prior to 1994. In the enabling legislation, charter schools are "public" schools that exist solely through their contract with a political subdivision or State sponsor. The State, acting through the sponsor, provides initial authorization, oversight, funding, and sole control of whether to renew a school charter. The Legislature mandates the general components of the charter, school operation, school accountability, school financial requirements, and responsibilities of the school governing body. Because of the amount of general involvement that the State has with charter schools, the public funding of charter schools, and the legislative determination that charter schools are public schools, we conclude that charter schools are a newly-added component of the public education system in Arizona. Therefore, we conclude that for the purpose of the Open Meeting Law, charter schools are an "institution or instrumentality of the state or political subdivisions." A.R.S. § 38-431(5).

Finally, because each charter school must have a governing body that is responsible for the policy and operational decisions of the school (A.R.S. § 15-183(E)(8)), we find that charter schools operate through a "multi-member" governing body as established in A.R.S. § 38-431(5). Thus, charter schools meet all prerequisites of A.R.S. § 38-431(5) as "public bodies." Accordingly, charter schools are subject to the Open Meeting Law.

Conclusion

We conclude, then, that a charter school is a "public body" under A.R.S. § 39-121.01(A)(2) and an officer of the charter school's governing body is subject to the Public Records Law. We further conclude that a governing body of a charter school is a public body under A.R.S. § 38-431(5) and must comply with the Open Meeting Law.

Sincerely,

Grant Woods
Attorney General

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[1] "Public school" means an elementary or secondary school in the United States providing free education for the children of residents of a specified area. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1836 (1993).

[2] As further support for our conclusion that the exception in A.R.S. § 15-183(E)(5) does not apply to the Public Records and Open Meeting Laws, consider the numerous legislative exceptions to both the Public Records and Open Meeting Laws. See, e.g., A.R.S. § 39-123 (exempting certain peace officer records from the Public Records Law), and A.R.S. § 38-431.08 (enumerating the exceptions to the Open Meeting Law). Here, the Legislature did not provide charter schools a specific exception from the Public Records or Open Meeting Laws by adding a new exception or amending an old exception. When the Legislature identifies one or more items in a class in a statute, it indicates an intent to exclude all items of the same class that are not expressed. *Pima County v. Heinfeld*, 134 Ariz. 133, 654 P.2d 281 (1982). Because charter schools are absent from the list of statutory exceptions to the Public Records and Open Meeting Laws, and because the exemption statutes have not been amended to include charter schools, we conclude that the Legislature intends charter schools to follow these laws if they are otherwise applicable.

[3] A school district is a political subdivision of the State. A.R.S. § 15-101(17). A district-sponsored charter school may also receive equalization assistance from the State. *See* A.R.S. § 15-185(C).

[4] Whether an entity is a "public body" under other State statutes depends on the definition used in those statutes and upon a factual and legal analysis consistent with the particular statute. The conclusion reached by this Opinion is therefore limited to the Public Records and Open Meeting Laws.

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ATTORNEY GENERAL OPINIONS
1994 TO PRESENT
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OVERVIEW
ARIZONA PUBLIC RECORDS LAW

Prepared for Arizona Charter Schools Association

"UNDISCOVERED HORIZONS IN PUBLIC EDUCATION" CONFERENCE

Terri Skladany
Assistant Attorney General

THE PUBLIC RECORDS LAW

The Public Records Law, (A.R.S. § 39-121 to 39-161), establishes which documents in the possession of public bodies and their officials are open to public scrutiny and under what circumstances the law mandates disclosure.

THE PUBLIC RECORD

There is no definition of what constitutes a "public record" in statute. Nonetheless, A.R.S. § 39-121-01(B) mandates that all public bodies and public officers maintain records reasonably necessary to provide an accurate account of both their official activities and all government funded activities.

To be a public record, however, the record must relate to the official duties of the public officer or public agency. Salt River Pima-Maricopa Indian Community v. Rogers, 161 Ariz. 531 (1991).

The Arizona Supreme Court in Mathews v. Pyle, 75 Ariz. 76, 78-9 (1953) defined a public record as follows:

> A "public record," strictly speaking, is one made by a public officer in pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference. (Citations omitted.) Also a record is a "public record" which is required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law to serve as a memorial and evidence of something written, said or done. (Citations omitted.) It has also been held that a written record of transactions of a public officer in his office, which is a convenient and appropriate method of discharging his duties, and is kept by him as such, whether required by express provisions of law or not, is admissible as a public record. (Citations omitted.)

Examples of Public Records:

1. Records of expenditures of public money. Ariz. Att'y. Gen. Op. 70-1;
2. Computer backup tapes containing all documents generated by a public agency for a year, including e-mail communications of employees, Star Publishing Co. v. Pima County Attorney's Office, 171 Ariz. Adv. Rep. 48 (App. 1994);
3. Annual reports filed by corporations with the Arizona Corporation Commission, State v. Betts, 71 Ariz. 362, 227 P2d 749 (1951); Ariz. Att'y Gen. Op. 61-114-L;

Public Officers and public bodies must comply with the Public Records Law. " 'Officer' means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body." A.R-S. § 39-121.01(A)(1). " 'Public body' means the state, any county, city, town, school district political subdivision or tax-supported district in the state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization of agency supported in whole or in part by funds from the state by the state or any political subdivision thereof." A.R.S. § 39-121.01(A)(2).

Each public body and officer must preserve, maintain and care for the public records within their offices. A.R.S. § 39-121.01(C). They are required to protect, secure, and preserve public records from deterioration, mutilation, loss or destruction. Id.

THE PUBLIC RECORDS REQUEST: DISCLOSURE OF PUBLIC RECORDS

A pubic records request should contain:

1. The name of the requester,
2. A specific description of all documents requested,
3. Whether the request is to merely look at the document or to obtain a copy,
4. Whether the request is for a commercial or non-commercial purpose,
5. If the request is for a commercial purpose, the requester must provide a certified statement explaining the purpose for which the copies will be used. (See attached).

Public agencies are free to prepare a request form listing the above topics but the form must not be used to delay a response to a request.

As stated in the 1993 revision of the Arizona Agency Handbook:

> A.R.S. § 39-121 sets forth the general policy of this state with respect to public inspections of governmental records: "Public records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person." The public records statute seeks to increase public access to government information and to make government agencies accountable to the public by giving the public a right

of access to records concerning an official's or a public agency's activities. The public does not have the right to demand access unless the records have a "substantial nexus" to the agency's activities. Salt River Pima-Maricopa Indian Community vs. Rogers, 168 Ariz. 531, 815 P.2d 900 (1991). The public has no right of access to private records that have no relation to the agency's activities even though the records are located in government offices, Id. Generally, however, the custodian of the government records must resolve whether the document requested is a public record and whether any authorized grounds exist for denying public inspection. See Section 6.5.

DENYING PUBLIC INSPECTION

Inspection of public records may be denied when:

1. The record is made confidential by statute, Berry v. State, 145 Ariz. 12, 699 P.2d 387 (App. 1985);
2. The record involves the privacy interests of persons, Carlson v. Pima County, 141 Ariz. 487, 687, 687 P.2d 1242 (1984); or
3. Disclosure would be detrimental to the best interests of the state, Carlson v. Pima County, 141 Ariz. 487, 687 P.2d 1242 (1984).

   a. Confidential by statute: Public officers should review the Arizona Revised Statutes to determine whether the document requested is made confidential by statute. Two examples of confidential records related to the operation of a charter school are:

      1. Evaluations of certified teachers. A.R.S. § 15-537.
      2. Minutes of executive session authorized by the Open Meeting Law. A.R.S. § 38-431-03(B).

   b. Records involving privacy interests:

   Arizona courts have long recognized personal privacy as an exception to the general rule requiring access to government records. Industrial Comm'n v. Holohan, 97 Ariz. 122, 397 P.2d 624 (1964); Carlson v. Pima County, 141 Ariz. 487, 687 P.2d 1242 (1984); Church of Scientology v. City of Phoenix Police Dep't, 122 Ariz. 338, 594 P.2d 1034 (App. 1979); Mitchell v. Superior Court, 142 Ariz. 332, 690 P.2d 51 (1984). Under this exception, the custodian has discretion to deny public inspection when the disclosure would invade privacy, and that invasion outweighs the public's right to know. See Ariz. Att'y Gen. Ops. 186-090, 185-097, 188-130 (autopsy reports); see also 5 U.S.C. § 552(b)(6), (7)(C).

c. Best interests of the State:

> As early as 1952, the Arizona Supreme Court adopted an exception to public disclosure for records which would be detrimental to the best interests of the State. Mathews v. Pyle, 75 Ariz. 76 251 P.2d 893(1952). The standard "detrimental to the best interests of the State" authorizes a public body to determine that a record is confidential when the public body will be seriously impaired in the performance of its duties if the information is disclosed. Mathews, 75 Ariz. at 81, 251 P.2d at 896. Public officers must balance the possible adverse impact on the operation of the public body if the requested information is disclosed against the public's right to be informed about the operations of its government.

For example, the Arizona Supreme Court held that the public's interest in having the State secure the most qualified candidate for university President is more compelling than its interest in knowing the names of all of the "prospects" for the position. Board of Regents v. Phoenix Newspapers, Inc., 167 Ariz. 254, 806 P.2d 348 (1991). When a "prospect" is seriously considered and interviewed, the "prospect" becomes a candidate. The public's interest in knowing which candidates are being considered for the job outweighs "countervailing interests of confidentiality and privacy and the best interests of the State." Id. at 258, 806 P.2d at 352.

REFUSAL TO DISCLOSE PUBLIC RECORDS

The Arizona Supreme Court recognized that public officers needed to have some discretion to deny access to records. It said:

> While access and disclosure is the strong policy of the law, the law also recognizes that an unlimited right of inspection might lead to substantial and irreparable private or public harm; thus, where the countervailing interests of confidentiality, privacy or the best interests of the state should be appropriately invoked to prevent inspection, we hold that the officer or custodian may refuse inspection.

Carlson v. Pima County, 141 Ariz. 487, 491, 687 P.2d 1242, 1246 (1984 (citing Mathews v. Pyle, 75 Ariz. 76, 251, P.2d 893 (1952)); Board of Regents vs. Phoenix Newspapers, Inc., 167 Ariz. 254, 806 P.2d 348 (1991).

Please Note: If you act arbitrarily, capriciously or in bad faith in denying access to a public record, the court may award legal costs, including attorney's fees, to the requester. A.R-S. § 39-121.01(B). Where there is room for two opinions, denying access is not arbitrary or capricious if the decision is made honestly with due consideration. Phoenix Newspapers, Inc., 167 Ariz. at 259, 806 P.2d at 353 (citing Tucson Public School Dist. No. 2 v. Green, 17 Ariz. App. 91, 94, 495 P.2d 861, 864 (1972)); but see Cox Arizona Publications, Inc. v. Collins, 175 Ariz. 10, 14 (1993) in which the court indicated that failure to produce records for in camera review or to offer a redacted version to a reviewing court and the requesting party may justify a conclusion that a custodian acted arbitrarily or capriciously. If a public body discloses a redacted document it should keep a record of what material was redacted.

CHARGING FEES FOR COPIES OF PUBLIC RECORDS

1. Non-commercial -- A public body may charge a fee for copies, A.R-S. § 39-121-01(D). The public body may charge "any fee it deems appropriate for copying records, including a reasonable fee for the cost of time, equipment and personnel used in producing copies of records subject to public disclosure, but not costs for searching the records." Ariz. Att'y Gen. Op. 186-090.

2. Commercial -- Charges for copies for commercial purposes shall include (1) a portion of the cost for obtaining the original or copies of the documents, photographs or printouts, (2) a reasonable fee or the cost of time, equipment and personnel in producing such reproduction, and (3) the value of the reproduction on the commercial market. A.R.S. § 39-121-03(A)(1-3).

Commercial purposes "means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record." A.R.S. § 39-121.03(D).

"If the custodian of a public record determines that the commercial purpose stated in the verified statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the Governor requesting that the Governor by executive order prohibit the furnishing of copies, printouts or photographs." A.R.S. § 39-121.03(B).

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Title 39: Public Records Law

ALIS Online

CHAPTER 1 - PUBLIC RECORDS

Article 1 - Requirements for Material Used

- 39-101 - Permanent public records; quality; storage; violation; classification
- 39-102 - Annual report; copies
- 39-103 - Size of public records; exemptions

Article 2 - Searches and Copies

- 39-121 - Inspection of public records
- 39-121.01 - Copies; printouts or photographs of public records
- 39-121.02 - Action upon denial of access; expenses and attorney fees; damages
- 39-121.03 - Request for copies, printouts or photographs; statement of purpose; commercial purpose as abuse of public record; determination by governor; civil penalty; definition
- 39-122 - Free searches for and copies of public records to be used in claims against United States; liability for noncompliance
- 39-123 - Information identifying a peace officer; confidentiality
- 39-124 - Releasing information identifying a peace officer; violations; classification
- 39-125 - Information relating to location of archaeological discoveries and places or objects included or eligible for inclusion on the Arizona register of historic places; confidentiality

Article 3 - Lost Records

- 39-141 - Proof of certain lost or destroyed documents or instruments
- 39-142 - Action for restoration and substitution of lost or destroyed documents
- 39-143 - Judgment of restoration; recording of judgment; judgment as substitute for original instrument
- 39-144 - Recording of certified copies of lost or destroyed records or records of a former county
- 39-145 - Re-recording of original papers when record destroyed

Article 4 - False Instruments and Records

- 39-161 - Presentment of false instrument for filing; classification

CHAPTER 2 - PRINTING AND PUBLICATION

Article 1 - Contract for Printing

- 39-201 - Definitions
- 39-202 - Contract for public printing; bids; award
- 39-203 - Number of publications for compliance with requirement of notice for specified time
- 39-204 - Publication of notice; time; place
- 39-205 - Proof of publication; filing

Article 2 - Price and Composition

- 39-221 - Price for printing; size of type

39-101 . Permanent public records; quality; storage; violation; classification

A. Permanent public records of the state, a county, city or town, or other political subdivision of the state, shall be transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the director of the department of library, archives and public records.

B. Permanent public records transcribed or kept as provided in subsection A shall be stored and maintained according to standards for the storage of permanent public records established by the director of the department of library, archives and public records.

C. A public officer charged with transcribing or keeping such public records who violates this section is guilty of a class 2 misdemeanor.

39-102 . Annual report; copies

Unless otherwise specifically required by law, each agency, board, commission and department which prepares an annual report of its activities shall prepare and distribute as provided by law copies of such annual report on twenty pound bond paper printed with black ink except that the cover and back pages may be of sixty-five pound or less cover paper.

39-103 . Size of public records; exemptions

A. All public records of this state or a political subdivision of this state created on paper, regardless of weight or composition, shall conform to standard letter size of eight and one-half inches by eleven inches, within standard paper manufacturing tolerances.

B. This section does not apply to public records smaller than eight and one-half inches by eleven inches, public records otherwise required by law to be of a different size, engineering drawings, architectural drawings, maps, computer generated printout, output from test measurement and diagnostic equipment, machine generated paper tapes and public records otherwise exempt by law. Upon written application the director of the department of library, archives and public records may approve additional exemptions from this section if based upon such application the director finds that the cost of producing a particular type of public record in accordance with subsection A is so great as to not be in the best interests of this state.

39-121 . Inspection of public records

Public records and other matters in the office of any officer at all times during office hours shall be open to inspection by any person.

39-121.01 . Copies; printouts or photographs of public records

A. In this article, unless the context otherwise requires:

1. "Officer" means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.

2. "Public body" means the state, any county, city, town, school district, political subdivision or tax-supported district in the state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by funds from the state or any political subdivision thereof, or expending funds provided by the state or any political subdivision thereof.

B. All officers and public bodies shall maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by funds from the state or any political subdivision thereof.

C. Each public body shall be responsible for the preservation, maintenance and care of that body's public records and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to sections 41-1344, 41-1347 and 41-1351.

D. Subject to the provisions of section 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours. The custodian of such records shall furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 shall be furnished without charge.

2. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian thereof and shall be subject to the supervision of such custodian.

39-121.02 . Action upon denial of access; expenses and attorney fees; damages

A. Any person who has requested to examine or copy public records pursuant to the provisions of this article, and who has been denied access to or the right to copy such records, may appeal the denial through a special action in the superior court, pursuant to the rules of procedure for special actions against the officer or public body.

B. If the court determines that a person was wrongfully denied access to or the right to copy a public record and if the court finds that the custodian of such public record acted in bad faith, or in an arbitrary or capricious manner, the superior court may award to the petitioner legal costs, including reasonable attorney fees, as determined by the court.

C. Any person who is wrongfully denied access to public records pursuant to the provisions of this article shall have a cause of action against the officer or public body for any damages resulting therefrom.

39-121.03 . Request for copies, printouts or photographs; statement of purpose; commercial purpose as abuse of public record; determination by governor; civil penalty; definition

A. A person requesting copies, printouts or photographs of public records for a commercial purpose shall, upon making such a request, provide a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the verified statement the custodian of such records may furnish reproductions, the charge for which shall include the following:

1. A portion of the cost to the state for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, equipment and personnel in producing such reproduction.
3. The value of the reproduction on the commercial market.

B. If the custodian of a public record determines that the commercial purpose stated in the verified statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the governor requesting that the governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose. The governor, upon application from a custodian of public records, shall determine whether the commercial purpose is a misuse or an abuse of the public record. If the governor determines that the public record shall not be provided for such commercial purpose he shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined pursuant to subsection A of this section.

C. A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorneys' fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

D. As used in this section "commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in a judicial or quasi-judicial body of this state or a political subdivision of this state.

39-122 . Free searches for and copies of public records to be used in claims against United States; liability for noncompliance

A. No state, county or city, or any officer or board thereof shall demand or receive a fee or compensation for issuing certified copies of public records or for making search for them, when they are to be used in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof.

B. Notaries public shall not charge for an acknowledgment to a document which is to be so filed or presented.

C. The services specified in subsections A and B shall be rendered on request of an official of the United States, a claimant, his guardian or attorney. For each failure or refusal so to do, the officer so failing shall be liable on his official bond.

39-123 . Information identifying a peace officer; confidentiality

A. Nothing in this chapter requires disclosure from a personnel file by a law enforcement agency or employing state or local governmental entity of the home address or home telephone number of a peace officer as defined in section 13-105. This exemption also applies to a photograph of a peace officer who is serving in an undercover capacity or who is scheduled to serve in an undercover capacity within sixty days.

B. The agency or governmental entity may release the information in subsection A of this section only if either:

1. The peace officer consents in writing to the release.
2. The custodian of records of the agency or governmental entity determines that release of the information does not create a reasonable risk of physical injury to the peace officer or his immediate family or damage to the property of the peace officer or his immediate family.

C. This section does not apply to a certified peace officer who is no longer employed as a peace officer by a state or local government entity.

39-124 . Releasing information identifying a peace officer; violations; classification

A. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases the home address or home telephone number of a peace officer as defined in section 13-105 with the intent to hinder an investigation, cause physical injury to a peace officer or his immediate family or damage to the property of a peace officer or his immediate family is guilty of a class 6 felony.

B. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases a photograph of a peace officer who is serving in an undercover capacity or who is scheduled to serve in an undercover capacity within sixty days with the intent to hinder an investigation, cause physical injury to a peace officer or his immediate family or damage to the property of a peace officer or his immediate family is guilty of a class 6 felony.

39-125 . Information relating to location of archaeological discoveries and places or objects included or eligible for inclusion on the Arizona register of historic places; confidentiality

Nothing in this chapter requires the disclosure of public records or other matters in the office of any officer that relate to the location of archaeological discoveries as described in section 41-841 or 41-844 or places or objects that are included on or may qualify for inclusion on the Arizona register of historic places as described in section 41-511.04, subsection A, paragraph 9. An officer may decline to release this information if the officer determines that the release of the information creates a reasonable risk of vandalism, theft or other damage to the archaeological discoveries or the places or objects that are included on or may qualify for inclusion on the register. In making a decision to disclose public records pursuant to this section, an officer may consult with the director of the Arizona state museum or the state historic preservation officer.

39-141 . Proof of certain lost or destroyed documents or instruments

Any deed, bond, bill of sale, mortgage, deed of trust, power of attorney or conveyance which is required or permitted by law to be acknowledged or recorded which has been so acknowledged or recorded, or any judgment, order or decree of a court of record in this state or the record or minute containing such judgment, which is lost or destroyed, may be supplied by parol proof of its contents.

39-142 . Action for restoration and substitution of lost or destroyed documents

Upon loss or destruction of an instrument as indicated in section 39-141, a person interested therein may bring an action in the superior court of the county where the loss or destruction occurred for restoration and substitution of such instrument against the grantor in a deed, or the parties interested in the instrument, or the parties who were interested adversely to plaintiff at the time of the rendition of judgment, or who are then adversely interested, or the heirs and legal representatives of such parties.

39-143 . Judgment of restoration; recording of judgment; judgment as substitute for original instrument

A. If upon the trial of the action provided for in section 39-142, the court finds that such instrument existed, and has been lost or destroyed and determines the contents thereof, it shall enter a judgment containing the finding and a description of the lost instrument and contents thereof.

B. A certified copy of the judgment may be recorded, and shall be substituted for and have the same force and effect as the original instrument.

39-144 . Recording of certified copies of lost or destroyed records or records of a former county

Certified copies from a record of a county, the record of which has been lost or destroyed, and certified copies from records of the county from which a new county was created, may be recorded in such county when the loss of the original has been first established.

39-145 . Re-recording of original papers when record destroyed

When the original papers have been preserved but the record thereof has been lost or destroyed, they may again be recorded within four years from the loss or destruction of such record. The last registration shall have force and effect from the date of the original registration.

39-161 . Presentment of false instrument for filing; classification

A person who acknowledges, certifies, notarizes, procures or offers to be filed, registered or recorded in a public office in this state an instrument he knows to be false or forged, which, if genuine, could be filed, registered or recorded under any law of this state or the United States, or in compliance with established procedure is guilty of a class 6 felony. As used in this section "instrument" includes a written instrument as defined in section 13-2001.

SECTION 4

ARIZONA STATE BOARD OF EDUCATION SAMPLE APPLICATION

STEPS IN THE CHARTER SCHOOL PROCESS
FOR STATE BOARD OF EDUCATION SPONSORSHIP

1. Completed application packets *(including fingerprint cards and affidavits for the prospective operator and all governing board members)* will be accepted anytime during the year by the Charter School Division, 1535 W. Jefferson, Room 228, Phoenix, AZ 85007 (602) 542-5870.

2. Upon receipt of the application, Charter School Division staff will check for completeness of the packet.

3. Fingerprint cards, affidavits and background check authorizations will be sent out to their appropriate agencies for processing ***(fingerprints usually take between eight to ten weeks and background checks take approximately eight weeks).***

4. Upon the receipt, at this office, of satisfactory DPS, FBI reports and credit checks, the total application packet will move forward to the formal review.

5. Notification will be given to you of exactly what date the review committee will read your application. ***The Application Review Committee, comprised of diverse education, finance, and community specialists, will review applications four times per year: i.e., March, June, September, and December.***

6. Applicants will come before the Review Committee prepared to describe the uniqueness of their school and answer any questions that the committee may have. The Review Committee will then make recommendations to the State Board of Education.

7. You will be notified whether your application has been (1) moved forward to the State Board of Education for consideration; (2) deferred until a later date for the purpose of obtaining more technical assistance; or (3) denied.

8. If the Review Committee recommends that your application be moved forward to the State Board of Education. The board will consider whether or not your application should be approved. ***You need to be at this board meeting to answer any additional questions the State Board may have. They also would like to meet you!***

9. If your application was approved at that meeting, at the next month's board meeting, your application will again be reviewed by the State Board for a second time. *You will also need to be there for this meeting; just to answer any further questions the board may have.* They will then consider to place your application into "approve to charter" status.

SBE Rev. 11-99

10. If moved into "approved to charter" status, you also move into the second phase of the process; that of preparing to sign your contract (charter).

11. You will receive many pieces of information, but most importantly, you will be working with a checklist asking for copies of documents this office must have, i.e. lease agreements; real estate purchase deeds; permits from county health department, city zoning and state fire marshal's office; etc. Everything must be in place before your contract can be signed.

12. Congratulations! Once your contract (charter) is signed, you may open your school. ***(School openings are usually targeted for late summer/early fall)***

STATE BOARD OF EDUCATION

APPLICATION CALENDAR AND INFORMATION

Application Packets will be accepted at anytime during the year

Feb./March 2000	Prospective Charter Operator Workshop
March 17, 2000	Application Review Committee meets. (Materials **must be submitted at least 10 weeks prior.**)
June 16, 2000	Application Review Committee meets. (**Materials must be submitted at least 10 weeks prior.**)
September 15, 2000	Application Review Committee meets. (**Materials must be submitted at least 10 weeks prior.**)
December 15, 2000	Application Review Committee meets. (**Materials must be submitted at least 10 weeks prior.**)

SUBMISSION OF APPLICATIONS:

Applications **may be submitted to the State Board of Education, Charter School Division any time after January 1, 2000.** They may be mailed or delivered personally.

By Mail: Applications may be mailed to the State Board of Education, Charter School Division, 1535 West Jefferson, Room 228, Phoenix, Arizona 85007. ***(Suggestion: Deliver via certified mail or through UPS, FED EX, etc., to be assured of delivery.)***

By Hand: Applications delivered by hand will be accepted Monday through Friday, between the hours of **7:00 a.m.** and **4:00 p.m.** at the State Board of Education, Charter School Division, 1535 West Jefferson, Room 228, Phoenix, Arizona 85007.

The same Application Review Committees will commence four times per year (March, June, September, and December). Applications will be accepted by this office in a "***package format.***" Completed fingerprint cards and completed affidavits for the prospective charter holder and each prospective governing board member **must** accompany the application, including the appropriate fees **($24.00/card; cashiers' check or money order made out to the AZ Dept. of Public Safety).** Fingerprints, background and credit checks will be sent out to their processing organizations and upon their return to this office, you will be notified when and where your application will be reviewed.

Questions regarding the application process may be directed to the State Board of Education, Charter School Division at (602) 542-5968 or (602) 542-5870.

SAMPLE

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STATE BOARD OF EDUCATION
CHARTER SCHOOL APPLICATION REMINDERS

- **Complete Application Packets** will be accepted 7 a.m. to 4 p.m. **Monday-Friday**.

- **FINGERPRINT CARDS and AFFIDAVITS:** Each prospective charter holder and ALL prospective governing board members of that prospective charter school must have fingerprint cards and affidavits completed when turning in the completed application package. Fingerprints may be taken at DPS or your local police station, but they **must be on State Board of Education (SBE) Division of Charter Schools cards.**

  Fingerprint cards are available upon request of the Charter School Division Office, 2nd floor, Room 228, 1535 W. Jefferson Ave, Phoenix, AZ 85007, (602) 542-5870.
  Note: Each agency has their own fingerprint cards with individual numbers issued only to that unit, so it is very important that you submit only the cards coming from the Charter School Division of the State Board of Education.

- Cards and affidavits **must be accompanied by a cashiers' check / money order made payable to Arizona Department of Public Safety.**

- Applicants must only use the State Board of Education applications if they want to be considered by the State Board of Education.

- Submit one **unbound** single-sided and **paginated** original plus twenty-four (24) copies.

- Document should be limited to the number of pages specified.

- Document should be proofread for spelling, grammatical, or typographical errors. **No hand written applications will be accepted.**

***NOTE:** The Fingerprint process takes at least eight to ten weeks for cards to be returned to our office. Affidavits take at least six to eight weeks. So plan accordingly.

SAMPLE

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STATE BOARD of EDUCATION

AFFIDAVIT, DISCLOSURE, AND PERMISSION GRANTED FORM AND FINGERPRINT CLEARANCE

Instructions: Return this signed, notarized affidavit with a cashiers' check or money order in the amount of $24 for the fingerprint processing. Make the check or money order payable to the Arizona Department of Public Safety, write your Social Security Number on the check, and staple it at the bottom of this form. Cash or personal checks are not accepted.

Name ______________________________ Social Sec. No. ____________________

Address ____
Street City State Zip

Phone ____________________ Date of Birth ______________ Place of Birth ____________________

1.	Arizona Revised Statute § 41-1750 authorizes the Arizona Department of Education to review criminal records on applicants. This review is generated from your fingerprints (criminal history) which you must submit. Have you ever been arrested for any offense for which you were fingerprinted?	YES ☐	NO ☐
2.	Have you ever been convicted or pled "no contest" for any violation of law other than minor traffic offenses? If either event has occurred, you must answer YES. If the conviction has been set aside, the charges must be disclosed. Please give details on a separate signed, notarized and dated sheet.	YES ☐	NO ☐
3.	Have you ever been convicted of, admitted committing, or are you awaiting trial on any of the following criminal offenses in this state or similar offenses in another jurisdiction: (1) sexual abuse of minor, (2) incest, (3) first or second degree murder, (4) kidnapping, (5) arson, (6) sexual assault, (7) sexual exploitation of a minor, (8) contributing to the delinquency of a minor, (9) commercial sexual exploitation of a minor, (10) felony offenses involving distribution of marijuana or dangerous or narcotic drugs, (11) felony offenses involving the possession or use of marijuana or dangerous or narcotic drugs, (12) misdemeanor offenses involving the possession or use of marijuana or dangerous drugs, (13) burglary in the first degree, (14) burglary in the second or third degree, (15) aggravated or armed robbery, (16) robbery, (17) a dangerous crime against children as defined in ARS §13-604.01, (18) child abuse, (19) sexual conduct with a minor, (20) molestation of a child, (21) voluntary manslaughter, (22) aggravated assault, (23) assault, or (24) exploitation of minors involving drug offenses? If YES, submit certified court records and details of incident(s), signed, notarized and dated.	YES ☐	NO ☐

With signature below, permission is hereby granted to complete the fingerprint and credit checks of the applicant of the ______________________________ Charter School. I DO SOLEMNLY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION COMPLETED OR SUBMITTED BY ME FOR RECEIPT OF CHARTER STATUS OF THE ______________________________ CHARTER SCHOOL IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. FURTHERMORE, SHOULD ANY PART OF THE INFORMATION HEREIN PROVIDED PROVE TO BE FALSE, I RECOGNIZE THAT IT SHALL BE JUST CAUSE FOR DENIAL OR REVOCATION OF CHARTER STATUS TO THE ______________________________ CHARTER SCHOOL BY THE STATE BOARD OF EDUCATION

____
Applicant's Signature

State of ______________. **Subscribed and sworn before me this** ____________________ **day of** ____________ **199**___.

County of ______________ ______________________________
Notary Public Signature

My Commission Expires ____________________

This form may be duplicated as necessary.

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STATE BOARD OF EDUCATION

CHARTER SCHOOL APPLICATION

SAMPLE

ARIZONA DEPARTMENT OF EDUCATION
1535 West Jefferson
Phoenix, AZ 85007

Bonnie Barclay, Director
Charter Schools Division
(602) 542-5968

CHARTER SCHOOL APPLICATION INSTRUCTIONS
(A.K.A. APPLICATION CHECKLIST)

Applications must be submitted to the State Board of Education for sponsorship of a charter school as follows:

1. Review the requirements and information pertinent to applying for sponsorship of a charter school. Refer to the **Charter School Handbook.**

2. Prepare application materials fully; provide additional, clarifying information or documentation as appropriate.

   - ☐ a. Application, Affidavits, Disclosure and Fingerprint Clearance Forms, Resumes and References of Charter Operator and Board Members
   - ☐ b. Title Page Form . . . .1 page
   - ☐ c. Signed Statement of Assurances 1 for each Authorized Signer.
   - ☐ d. Fact Sheets . . . .2 pages
   - ☐ e. Applicant Background Information. . . . 1 page for each person
   - ☐ f. Executive Summary . . . .1-2 pages
   - ☐ g. Other Measurable Goals . . . . 1 page
   - ☐ h. **Narrative:** The narrative must include elements required by the Sponsor as outlined in the Narrative Requirements. These requirements should be used as a guide in preparing the application; all elements included should be addressed in the application in the same order, and adhering to the specified number of pages. Titled cover pages are included for your use.
     - ☐ 1.0 Comprehensive Program of Instruction . . . .3 pages of narrative
     - ☐ Curriculum Appendix
     - ☐ 2.0 Organization . . . .5 pages
     - ☐ 3.0 Operations . . . .4 pages
     - ☐ 4.0 Budget . . . .Use Forms Provided
     - ☐ 5.0 Special Education . . . . .2 pages
   - ☐ i. Letters of Support: Maximum of five (5), and a minimum of three (3) letters from experts and/or community members who have reviewed the application and can express support for your school.

Application Checklist: Use this Charter School Application Instructions sheet as your checklist to ensure that the Charter School Application is complete.

SAMPLE

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CHARTER SCHOOL DIVISION APPLICATION
TITLE PAGE FORM

SAMPLE

Name of School: ______________________________

Name of Applicant: ______________________________

Address: ______________________________

City, State, Zip: ____________________ **County:** __________

Telephone Number: ______________ **Fax Number:** ______________

The charter school applicant acknowledges that he/she has read all Arizona statutes regarding Charter Schools and that, if approved, he/she is subject to and will ensure compliance with all relevant laws and requirements.

____
Name of Applicant/Authorized Agent

____
Signature of Applicant/Authorized Agent

____
Date

When submitting an application, please provide an UNBOUND original and 24 additional copies.

Arizona Department of Education
1535 West Jefferson, Mail Bin 8
Phoenix, AZ 85007
(602) 542-5870

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STATE BOARD OF EDUCATION CHARTER SCHOOLS
STATEMENT OF ASSURANCES

Assurances: The Charter School applicant acknowledges that he/she has read all Arizona statutes regarding Charter Schools.[1] The applicant acknowledges that, if approved, he/she is subject to and will ensure compliance with all relevant requirements including the following:

A. Federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance, as defined by the Arizona Department of Education. (A.R.S. § 15-183 (E))

B. Charter school admission requirements. (A.R.S. § 15-184)

C. The Uniform System of Financial Records, procurement rules and audit requirements (on file with the Department of Education), except when a specific exemption has been granted. (A.R.S. § 15-183 (E) (6))

D. Federal and state laws relating to the education of children with disabilities in the same manner as a school district. (A.R.S. § 15-183 (E) (7))

E. Transportation of the following qualified children, limited to 20 miles each way (A.R.S. §§ 15-186, 15-816.01 and 15-901 (A) (9))[2]:

  (1) Shall transport children with disabilities whose individualized education plans specify that transportation is necessary for fulfillment of the plan.

  (2) May transport children who meet the economic eligibility requirements established under the National School Lunch and Child Nutrition Acts (42 U.S. Code Sections 1751 through 1785) for free or reduced price lunches, and whose actual place of residence is more than one mile from the school facility of attendance if the student attends elementary school (kindergarten or grades 1-8) or more than one and one-half miles from the school facility of attendance if the student attends high school (grades 9-12).

F. The requirement that the charter school be nonsectarian in its programs (including all materials), admission policies, employment practices and all other operations. (A.R.S. § 15-183 (E) (2))

G. State law requiring participation in the Arizona Instrument to measure Standards (AIMS) tests and the nationally standardized norm-referenced achievement tests as designated by the State Board of Education. (A.R.S. § 15-183 (E) (4))

H. Completion and distribution of an annual report card as prescribed in A.R.S. Title 15, Chapter 7, Article 3. (Required by A.R.S. § 15-183 (E) (4))

I. Compliance with Arizona's Open Meeting Laws. (A.R.S. §§ 38-431 to 431.09)

J. The requirement to provide instruction for no less that 175 days per school year (A.R.S. § 15-341 (A) (2) and meet the minimum hours of instruction. (A.R.S. § 15-901 (A) (2) (b) (i) & (A) (2) (c))

Revocation: The Board may, subject to the provisions of A.R.S. 15-183 (I), revoke the charter for material breach of its provisions, which shall include failure to comply with applicable Federal, State and local laws, rules and regulations.

______________________________ ______________________________

Signature of Applicant/Authorized Agent Date

____

Print Name

"Authorized Agent" means an individual (him/herself) or the individual who is legally authorized to act on behalf of the partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency. The authorized agent for the Form of Business and the Governing Body may be the same person or different individuals.

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[1] A copy of the laws which authorize charter schools and other statutes with which you must be familiar are contained in the Charter Schools Application Handbook.

[2] A charter school is authorized to provide for transportation through means other than school buses, such as mileage reimbursement to parents or reimbursement for bus tokens or bus passes.

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MISSION STATEMENT

FACT SHEET

GRADES SERVED	K	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL NUMBER SERVED At all campuses and in all grades combined	SITES Number Operating
YEAR 1	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		
YEAR 2	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		
YEAR 3	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		
YEAR 4	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		
YEAR 5	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		

FOCUS POPULATION TO BE SERVED

- ☐ AT RISK
- ☐ COLLEGE BOUND
- ☐ SPECIAL ED
- ☐ GENERAL
- ☐ OTHER (Please specify in 5 words or less)

____

SCHOOL CALENDAR

- ☐ STANDARD
- ☐ YEAR ROUND
- ☐ ALTERNATIVE (Please describe in five words or less)

____

Start Date: ________________ # Instructional Days ________

FORM OF ORGANIZATION

- ☐ NON-PROFIT CORPORATION
- ☐ FOR PROFIT CORPORATION
- ☐ S-CORPORATION
- ☐ PARTNERSHIP
- ☐ TRIBAL ENTITY
- ☐ OTHER

GOVERNING BODY

MEMBER TYPE	NUMBER	GOVERNING BODY MEMBER NAMES
PARENTS:		
TEACHERS		
SCHOOL STAFF:		
CORPORATE		
OTHER:		

AUTHORIZED SIGNER

____
NAME
____
POSITION
____
ADDRESS
____
CITY STATE ZIP
____
PHONE
____
FAX

CONTACT PERSON

____
NAME
____
POSITION
____
ADDRESS
____
CITY STATE
____
PHONE
____
FAX

Have you ever applied for a Charter? _____
With what entity?
CSB _____ SBE _____ School District_____

Under What School Name?
____

If unable to charter, Why? ______________________________

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FACT SHEET CONT.

INSURANCE: Indicate the types of insurance policies to be carried by the Charter School

liability ☐
vehicle ☐
medical ☐
other ______________________________

FACILITIES

Does the applicant group currently have access to a facility suitable for a school? ☐ yes ☐ no

In what type of community will the charter school be located?

☐ urban ☐ suburban ☐ rural ☐ other ____________

LOCATION	FACILITY TYPE	OWN OR LEASE	CONDITION	CODE READINESS
____________________	☐ STRIP MALL	☐ OWN	☐ EXCELLENT	☐ MEETS ALL REQUIRED CODES
street address	☐ FREE STANDING	☐ LEASE	☐ FAIR	☐ REQUIRES SOME MODIFICATION
____________________	☐ MODULAR			☐ NEEDS EXTENSIVE MODIFICATION
City, State, Zip	☐ OTHER ____________________			

LOCATION	FACILITY TYPE	OWN OR LEASE	CONDITION	CODE READINESS
____________________	☐ STRIP MALL	☐ OWN	☐ EXCELLENT	☐ MEETS ALL REQUIRED CODES
street address	☐ FREE STANDING	☐ LEASE	☐ FAIR	☐ REQUIRES SOME MODIFICATION
____________________	☐ MODULAR			☐ NEEDS EXTENSIVE MODIFICATION
City, State, Zip	☐ OTHER ____________________			

LOCATION	FACILITY TYPE	OWN OR LEASE	CONDITION	CODE READINESS
____________________	☐ STRIP MALL	☐ OWN	☐ EXCELLENT	☐ MEETS ALL REQUIRED CODES
street address	☐ FREE STANDING	☐ LEASE	☐ FAIR	☐ REQUIRES SOME MODIFICATION
____________________	☐ MODULAR			☐ NEEDS EXTENSIVE MODIFICATION
City, State, Zip	☐ OTHER ____________________			

LOCATION	FACILITY TYPE	OWN OR LEASE	CONDITION	CODE READINESS
____________________	☐ STRIP MALL	☐ OWN	☐ EXCELLENT	☐ MEETS ALL REQUIRED CODES
street address	☐ FREE STANDING	☐ LEASE	☐ FAIR	☐ REQUIRES SOME MODIFICATION
____________________	☐ MODULAR			☐ NEEDS EXTENSIVE MODIFICATION
City, State, Zip	☐ OTHER ____________________			

LOCATION	FACILITY TYPE	OWN OR LEASE	CONDITION	CODE READINESS
____________________	☐ STRIP MALL	☐ OWN	☐ EXCELLENT	☐ MEETS ALL REQUIRED CODES
street address	☐ FREE STANDING	☐ LEASE	☐ FAIR	☐ REQUIRES SOME MODIFICATION
____________________	☐ MODULAR			☐ NEEDS EXTENSIVE MODIFICATION
City, State, Zip	☐ OTHER ____________________			

LOCATION	FACILITY TYPE	OWN OR LEASE	CONDITION	CODE READINESS
____________________	☐ STRIP MALL	☐ OWN	☐ EXCELLENT	☐ MEETS ALL REQUIRED CODES
street address	☐ FREE STANDING	☐ LEASE	☐ FAIR	☐ REQUIRES SOME MODIFICATION
____________________	☐ MODULAR			☐ NEEDS EXTENSIVE MODIFICATION
City, State, Zip	☐ OTHER ____________________			

SAMPLE

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APPLICANT BACKGROUND INFORMATION

Provide the following information ON EACH APPLICANT AND SCHOOL GOVERNING BOARD MEMBER. Also, for each individual responding, include a one-page resume that includes educational background and work experiences.

School Name:____

Applicant's Name:____

Applicant's Role in School:________________________________

- Background in developing academic programs.

- Background in the financial operation and management of schools.

- Background in the financial operation and management of a small business.

- Budget management experience. Largest budget ever managed.

- Experience in: teaching, grant writing, marketing, personnel, development budgets, community service.

SAMPLE

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CHARTER SCHOOL APPLICATION

EXECUTIVE SUMMARY (1-2 Typed Pages)

To assist the Department of Education to accurately portray your charter school proposal to the public, please complete a one page Executive Summary. This summary should outline, in clear terms, the educational model to be employed; the replicability of the model; student demographics; description of the founding group; rationale for the targeted community(ies); proximity to other charter schools in the community in which you intend to serve; and other characteristics setting this school apart from other traditional public schools. Above all, this summary should capture the founders' vision, goals and objectives for the proposed charter school.

SAMPLE

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CHARTER SCHOOL APPLICATION

OTHER MEASURABLE SCHOOL GOALS (1 Typed Page)

Please list any other school goals and how they will be measured. These could be goals for parental involvement, attendance, marketing, student programs, etc.

GOALS	HOW THEY WILL BE MEASURED

SAMPLE

THE TECHNOLOGY PLAN

Although the Arizona Department of Education will not require all school districts and all charter schools to submit data electronically until FY 2000-2001, we encourage you to begin moving in that direction as early as possible.

*Please include a Technology Plan that you will use to ensure your school(s) will be able to connect to the Internet for the purpose of the electronic exchange of information with the Arizona Department of Education. Also, be sure to include in your budget how you plan to handle the necessary recurring charges to maintain the Internet connection.

*****A generic template of a Technology Plan can be downloaded from the ADE website under Educational Technology at: www.ade.state.az.us or call the Technical Support Help Desk @ 602-542-7378.***

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CHARTER SCHOOL APPLICATION

NARRATIVE REQUIREMENTS

1.0 COMPREHENSIVE PROGRAM OF INSTRUCTION (LIMIT THIS SECTION TO 3 PAGES)

1.1 Curriculum and Assessment

The applicant should seek to develop and/or adopt high academic content for all students, which is congruent with all **NINE** academic standards for the state of Arizona and incorporates best practices. The Academic Standards for Reading, Writing and Mathematics and the Arizona Administrative Code that refers to Curriculum Requirements and Special Programs order forms are in the Charter School Handbook. You may describe your instructional program in narrative form (3 pages).

This narrative must describe:

- **Curriculum alignment with the state standards**
- **Instructional alignment with the state standards**
- **Assessment alignment with the state standards**
- **Methodology to be used**
- **All other assessments that will be used to demonstrate student academic achievement (other than the state required assessments).**
- **The grading system that will be used**

CURRICULUM APPENDIX: Please submit a sample of your curriculum and include the following:

- **A scope and sequence**
- **Clearly defined benchmarks**

If you are applying as an **elementary school,** submit curriculum for a minimum of **three grade levels** that cover the areas of **reading, writing** and **mathematics.** If applying as a **high school,** please include complete curriculum including course descriptions for **each grade level** that you will be serving.

1.2 School Assessment (Described in the narrative and detailed in the curriculum appendix)

In addition to participation in the Arizona Instrument to Measure Standards (AIMS) and the nationally standardized norm-referenced achievement tests designated by the State Board of Education, describe criteria and/or appropriate assessment methods and tools that will be used to document/measure the school's effectiveness in meeting its established academic goals. When you specify very specific types of assessments such as "Portfolio" or "Juried Assessment" etc., please give a description of what that assessment will actually look like.

1.3 Intervention

Describe the intervention strategies that will be used if and when any student(s) cannot demonstrate proficiency during Nationally Standardized norm-referenced achievement tests or on the AIMS test.

SAMPLE

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2.0 ORGANIZATION (LIMIT THIS SECTION TO 5 PAGES)

2.1 Populations to be served

Describe any specific student characteristics related to the Charter School's programmatic focus or methodology, if the student population is to be other than that generally expected in a public school setting.

2.2 Enrollment

Describe your marketing plan for long-range enrollment increases for the effective period of the charter.

List enrollment capacity at each grade level, for each year. .

2.3 Organizational Structure

Describe the internal organizational structure of the Charter School. This information may be provided in a flow chart or other graphic format. Please include a brief narrative of how this structure will function. Please include how your Governing Board will be selected and the role that they will provide.

2.4 Parent/Community Involvement

Describe the process by which parents, teachers and community members will be involved in meaningful decision making at the school and the areas of the school's operation in which they will be involved.

2.5 Preparation and Planning

Describe your preparation and planning process to open your new school. Be sure to include resources you have used, people involved and how long you've been planning.

3.0 OPERATIONS (LIMIT THIS SECTION TO 4 PAGES)

3.1 School Calendar

[The school must provide at least 175 days of instruction and meet the minimum hours of instruction as required pursuant to A.R.S. § 15.901.]

Provide a copy of the school's calendar for the first year of operation. (See the example in the Charter Schools Handbook.) Please include hours and days of the week that the school will be in operation.

3.2 Staffing Requirements

[The charter must include a description of personnel policies and qualifications.] (A.R.S. § 15-183 (F))

Provide job descriptions for school personnel and the minimum qualifications for each. Please include your plan for staff development that aligns with the mission of your school.

3.3 Employment Policies and Procedures

[The charter must include a description of personnel policies and qualifications.] (A.R.S. §15-183 (F))

Provide personnel policies and procedures for the Charter School, including those related to hiring, reassignment and termination.

SAMPLE

3.4 Transportation Services

Clearly describe any transportation services to be provided by the Charter School, including that required for children with disabilities.

4.0 BUDGET (USE FORMS PROVIDED)

In addition to completing the following documents, please include a brief narrative about the individual(s) with on-sight responsibility for budget oversight and compliance with the USFRCS. Be sure to include why this person is uniquely qualified to handle this responsibility. Be sure that your budget accurately reflects and is in alignment with the needs outlined in this application.

4.1 Charter School Operating Budget Year 1

4.2 Charter School Three-Year Budget

4.3 Cash Flow Analysis for Budget Year 1

5.0 SPECIAL EDUCATION (Exceptional Student Services aka ESS)

5.1 Policies and procedures in special education are required in the following areas:

____Child identification
____Evaluation
____I.E.P.
____L.R.E.
____Procedural Safeguards
____Due Process Hearings
____Parental Consent
____Prior Written Notice
____Confidentiality of Records
____Pupil Teacher Ratios
____Graduation Requirements
____Suspension Expulsion

Have you obtained the document, *Special Education Policies and Procedures, A Checklist Approach* from the ESS Unit of the AZ Department of Education, 602-542-4831? YES ______ NO ______

If not, by all means call and get it!

5.2 Charter/public schools are required to provide special education just like all non-chartered/public schools. **A *Certified Special Education* teacher is also required.** Describe how will you provide available, appropriately certified/licensed personnel to implement special education programs in your charter school? Be sure to include certified special education teachers, psychologists licensed by the State of Arizona Board of Psychologist Examiners and other related services such as speech, OT, PT. Etc.

SAMPLE

BEST COPY AVAILABLE

SAMPLE

1.0 COMPREHENSIVE PROGRAM OF INSTRUCTION

BEST COPY AVAILABLE

SAMPLE

CURRICULUM APPENDIX

SAMPLE

2.0 ORGANIZATION

BEST COPY AVAILABLE

SAMPLE

3.0 OPERATIONS

SAMPLE

4.0 BUDGET

SCHOOL ______________________

	FIRST YEAR			SECOND YEAR			THIRD YEAR		
	Based on ADM			Based on ADM			Based on ADM		
REVENUE									
Balance Forward									
Equalization Assistance									
Federal & State Projects									
Private Grants & Donations									
Loans									
Other Revenues									
TOTAL REVENUE			0			0			0
EXPENSES	FTE/Salary	Amount	Total	FTE/Salary	Amount	Total	FTE/Salary	Amount	Total
Instruction - Function 1000									
Salaries									
Teacher - Reg Ed	@			@			@		
Teacher - Special Ed	@			@			@		
Instructional Assts	@			@			@		
Additional Teachers - Growth	@			@			@		
Employee Benefits									
Supplies - Regular Ed.									
Supplies - Special Ed									
Teacher Travel									
Purchase Services									
Purchase Services - Sp. Ed.									
Library Books									
Textbooks									
Instructional Aids									
Other									
Total Instruction			0			0			0
Administration									
- Function 2300-2400									
Salaries									
Director									
Administrative Asst.									
Other Staff									
Employee Benefits									
Supplies									
Legal									
Auditor									
Travel									
Marketing									
Other									
Total Administration			0			0			0

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BEST COPY AVAILABLE

Support - Function 2100-2200	FTE/Salary	Amount	Total	FTE/Salary	Amount	Total	FTE/Salary	Amount	Total
Curriculum	@			@			@		
Staff Development									
Other									
Total Support Services			0			0			0
Operations & Maintenance - Function 2500-2800									
Salaries & Part Time Labor									
Employee Benefits									
Supplies									
Phone/Communications									
Custodial Services									
Advertising									
P/C Insurance									
Utilities									
Rent									
Fees/Permits									
Contingency									
Transportaion									
Food Service									
Accounting Services									
Other									
Total Operations			0			0			0
TOTAL M & O			0			0			0
OTHER CASH OUTLAYS - Function 0100 - 0200									
Land & Improvements									
Building & Improvements									
Computer Equipment									
Furniture & Other Equipment									
Upgrades (Connectivity)									
Leases/Loan Payments									
TOTAL OTHER CASH			0			0			0
TOTAL EXP. & OTH. CASH			0			0			0
BUDGET BALANCE			0			0			0

***ADM is based on 88% of Student Enrollment**

1st Year Student Count ____________

2nd Year Student Count ____________

CASH FLOW ANALYSIS

	Jul-98	Aug-98	Sep-98	Oct-98	Nov-98	Dec-98	Jan-99	Feb-99	Mar-99	Apr-99	May-99	Jun-99	Year-to-Date	Budget
Begin. Balance														
Income														
Stimulus Funds														
State Funding														
Other Revenue**														
Total Income														
Total Available														
Expenses														
Salaries														
Benefits														
Supplies														
Utilities														
Other														
Transportation														
Capital														
Other Funds														
Total Expenses														
Ending Balance														

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5.0 SPECIAL EDUCATION

SAMPLE

SAMPLE

LETTERS OF SUPPORT

SECTION 5

ARIZONA STATE BOARD FOR CHARTER SCHOOLS SAMPLE APPLICATION

Arizona State

"Improving
Student
Acheivement
Through
Market
Choices."

Board for Charter
Schools

Arizona State Board for Charter Schools

2001-2002 Application

Arizona State Board for Charter Schools
Cassandra A. Larsen, Executive Director
4105 North 20th Street, Suite 280
Phoenix, AZ 85016
Phone: (602) 468-6369
Fax: (602) 468-1682

Arizona State Board for Charter Schools

2001-2002 Application

Table of Contents

	Page
General Instructions	1
Charter Schools Application Title Page form	4
Title Page 2 Form	5
Curricular Spreadsheet Form	6
Applicant Background Information Form	7
Project Revenues & Expenditure Form	8
Charter School Resources	10

SAMPLE

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GENERAL INSTRUCTIONS

This application should be used when seeking sponsorship from the Arizona State Board for Charter Schools ONLY.

Please follow these instructions completely. *An incomplete application will not be accepted.*

Instructions

Review the requirements for applying for sponsorship of a charter school as found in state law (Title 15, chapter 1, article 8) and in the following instructions.

Completely prepare the application using the format and timeline provided. When submitting an application, please provide **1 unbound original and 12 bound copies.** Applications can be mailed or delivered to the:

Arizona State Board for Charter Schools
4105 North 20th Street, Suite 280
Phoenix, AZ 85016

Applicants who wish to be considered for a charter must ensure that all materials are complete and in the Arizona State Board for Charter Schools office no later than **4:00 p.m. on June 30.** ***Late applications will not be accepted.***

Information must be provided on the required forms with the specified page limits. An applicant must follow this format to be considered for a charter. Incomplete applications will be rejected.

Application Timeline

Applications are due in the Arizona State Board for Charter Schools office on **June 30, by 4:00 p.m.** Applications will be reviewed for completeness, and evaluated by the Board staff. Incomplete applications will be rejected.

Applications are forwarded to board members in July. Applicants will make a brief presentation to the Board. The Board may accept or reject an application or defer the application to curriculum/finance subcommittees. After acceptance of the application the Board may grant a charter at the same meeting or at a subsequent meeting.

If you are granted a charter you will have 12 months from the date it is granted to sign your contract and 18 months to open your school.

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SAMPLE

Title Page	Enter the name and mailing address of the applicant that will serve as the authorized agent on behalf of the entity/individuals seeking a charter.
Charter School Title Page 2	Use this form to provide information on school mission, facilities, school calendar, and organizational governance and structure. Use this page only.
Comprehensive Program of Instruction	Please submit a one-page narrative describing the schools curriculum (philosophy, methodology, special emphasis and mastery). The applicant is also required to provide information on the schools curricular goals, objectives and outcomes, and measurement criteria on the curricular spreadsheet. A spreadsheet form has been provided to accommodate different goals and grade clusters. Applicants may copy and use up to three spreadsheets. The applicant must submit a representative curriculum sample that aligns with the Arizona State Standards from every grade level served.
Special Education & Exceptional Students	Please submit a one-page narrative describing policies and procedures for special education. This section must also include a description of available and appropriately certified/licensed personnel who will implement special education programs. Describe in no more than two pages; child identification, evaluation, individual education plans, procedural safeguards, due process, least restrictive environment, certified special education teacher, related services personnel, screening forms, treatment of student records, referral processes, and parental consent.
Application Background Information	Use the enclosed form to provide information on each individual and board member making application to the sponsor. Also include a one-page resume for each individual responding. This page may be copied.
Revenues and Expenditures	Please use the form enclosed to provide a three-year budget projection and financial information on starting and operating a charter school.
Additional Information	Please provide a one-page narrative adding any additional information about the charter school that was not asked for in other sections of this application.
Letters of Support	A maximum of five letters of support may accompany the application. Letters should come from individuals who have reviewed the application and have expertise in education, operations, financial, and small business backgrounds. Letters from community members are also encouraged.

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Petition for Exemption	If the applicant would like to be excepted from requirements of the Uniform System of Financial Records for Charter Schools (USFRCS) and Procurement Rules. Please provide a 1-page narrative on the generally accepted accounting principles that will be used and the procedures to be used for procuring products and services for your school.
Fingerprint & Background Checks	All applicants are required to a submit fingerprint card and affidavit for conducting background searches. Fingerprint checks and affidavits are to be submitted with the application including a $24.00 money order or cashiers check **(no personal checks will be accepted).** Fingerprint cards and affidavits are available through the Arizona State Board for Charter School's office.
Organization Chart	Applicants must provide an organizational flow chart. Please limit this to one page.
Business Plan	Applicants are required to submit a three-year business plan. This plan should include a title page, table of contents, business concept or executive summary, management plan, financial plan and strategic plan. A sample format is available through the Arizona State Board for Charter School's office. Please limit this plan to four pages.
Governing Board Responsibilities	Please submit a one-page narrative providing the description of the duties of the school governing authority that includes a flow chart of the schools organizational structure.
Technology Plan	Please include a technology plan that will ensure your school(s) will be able to report electronically to the Arizona Department of Education. Limit this to one page only.

SAMPLE

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TITLE PAGE 2001-2002

SAMPLE

Name of Proposed Charter School ____________________

School Address (if known) ____________________

Name of Person/Group Applying for the Charter ____________________

Contact Person (applicant) ____________________

Address ____________________

City ________ State ____ Zip ______ County ______

Daytime Tel: (   ) __________ Fax: (   ) __________

E-mail: ____________________

☐ New School ☐ Converted School

Converted From ____________________

Have you ever applied for a charter before? If so, please check one:

☐ Arizona State Board for Charter Schools
☐ State Board of Education
☐ Local School District (district name) ____________________

Under what name ____________________

The charter school applicant acknowledges that he/she/it has read all Arizona statutes regarding charter schools and that, if approved, he/she/it is subject to and will ensure compliance with all relevant federal, state and local laws and requirements. The charter school applicant acknowledges that if approved to operate a charter school, he/she/it must execute a charter contract with the Arizona State Board for Charter Schools within twelve months of the date of approval of the charter by the Arizona State Board for Charter Schools and must begin providing educational services within six months of execution of the contract or within eighteen months of approval of the charter, whichever date occurs later. Failure to do so may result in revocation of the charter approval and, if applicable, termination of the contract and revocation of the charter.

____________________ ____________________
Name of Applicant/Authorized Agent (please print) Signature of Applicant/Authorized Agent

Your application is incomplete unless you provide 1 unbound original and 12 bound copies to the Arizona State Board for Charter Schools, 4105 North 20th Street, Suite 280 Phoenix, Arizona 85016.

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CHARTER SCHOOL TITLE PAGE 2

SAMPLE

Mission Statement: (use only this space)

	Grades Served Please circle	Total Number Served At all campuses and in all grades combined	Sites Number Operating
Year 1	K 1 2 3 4 5 6 7 8 9 10 11 12		____
Year 2	K 1 2 3 4 5 6 7 8 9 10 11 12		____
Year 3	K 1 2 3 4 5 6 7 8 9 10 11 12		____

School Calendar

☐ Standard
☐ Year Round
☐ Alternative (please describe in 5 words or less)
____

Instructional Days__________
Start Date____________________

Form of Organization

☐ Non-Profit Corporation
☐ For-Profit Corporation
☐ S-Corporation
☐ Partnership
☐ Sole Proprietorship
☐ Tribal Entity
☐ Other____________

Governing Body

Member Type	Number	Governing Body Member Names
Parents	____	____________________
Teachers	____	____________________
School Staff	____	____________________
Corporate	____	____________________
Other	____	____________________
____________		____________________

Facilities

Location	Facility Type	Own or Lease	Code Readiness
____________________ Street Address	☐ Strip Mall	☐ Own	☐ Meets all Required codes
	☐ Free Standing		☐ Requires Some Modification
____________________ City, State & Zip Code	☐ Modular	☐ Lease	☐ Needs Extensive Modification

Location	Facility Type	Own or Lease	Code Readiness
____________________ Street Address	☐ Strip Mall	☐ Own	☐ Meets all Required codes
	☐ Free Standing		☐ Requires Some Modification
____________________ City, State & Zip Code	☐ Modular	☐ Lease	☐ Needs Extensive Modification

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CURRICULAR SPREADSHEET

Goals & Activities	Specific Objective or Outcomes (What will be measured?)	Measurement Criteria (How will you know it worked? Include percent mastery).

SAMPLE

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You may copy this page and use no more than 3.

APPLICANT BACKGROUND INFORMATION

Provide the following information on each applicant and school governing board member. Also, for each individual responding, include a 1-page resume that includes educational background and work experience.

Name of Proposed Charter School________________________________

Applicant Name____

Applicant's Role in School___________________________________

- Background in developing academic programs.

- Background in financial operation and management of schools.

- Background in financial operation and management of small business.

- Budget management experience. Largest budget ever managed

- Experience in teaching, grant writing, marketing, personnel, developing budgets, and community service.

SAMPLE

BEST COPY AVAILABLE

PROJECT REVENUES AND EXPENDITURES-BUDGET

	Start-up Phase	Fiscal Year______	Fiscal Year______	Fiscal Year______	Fiscal Year______
Revenues					
State Grants					
Private Funds					
Other (explain)					
TOTAL REVENUES					
Expenditures					
Professional Salaries					
Director/Superintendent					
Supervisors					
Teachers (FT)					
Teachers (PT)					
Payroll Taxes					
Benefits					
TOTAL PROFESSIONAL SALARIES					
Administrative Staff					
Clerical					
Custodial					
Consultants					
Other (explain)					
TOTAL ADMINISTRATIVE STAFF					
Facility					
Rent					
Mortgage					
Renovation/Construction					
Debt Service					
Utilities					
TOTAL FACILITY					

SAMPLE

BEST COPY AVAILABLE

PROJECT REVENUES AND EXPENDITURES-BUDGET

	Start-up Phase	Fiscal Year____	Fiscal Year____	Fiscal Year____	Fiscal Year____
Materials/Supplies					
Textbooks					
Instructional Equipment					
Office/Classroom Technology					
Library					
Office Furniture					
Other Equipment					
TOTAL MATERIALS/SUPPLIES					
Other Costs					
Contracted Services					
Business Services					
Insurance					
Marketing/Development					
Staff Development/Training					
Food Service					
TOTAL OTHER COSTS					
Other Start-up Costs					
Curriculum Development					
Printing and Copying					
Advertisement					
Telephone/Fax/Postage					
Other (explain)					
TOTAL START-UP COSTS					
TOTAL REVENUES					
TOTAL EXPENDITURES					
BALANCE					

SAMPLE

CHARTER SCHOOL RESOURCES

Arizona State Board for Charter Schools
4105 North 20th Street, Suite 280
Phoenix, AZ 85016
Phone (602) 468-6369
Fax (602) 468-1682

Academic Support Unit
Arizona Department of Education
1535 West Jefferson
Phoenix, Arizona 85007
Phone (602) 542-7462

Special Education Unit
Arizona Department of Education
1535 West Jefferson
Phoenix, Arizona 85007
Phone (602) 542-3084

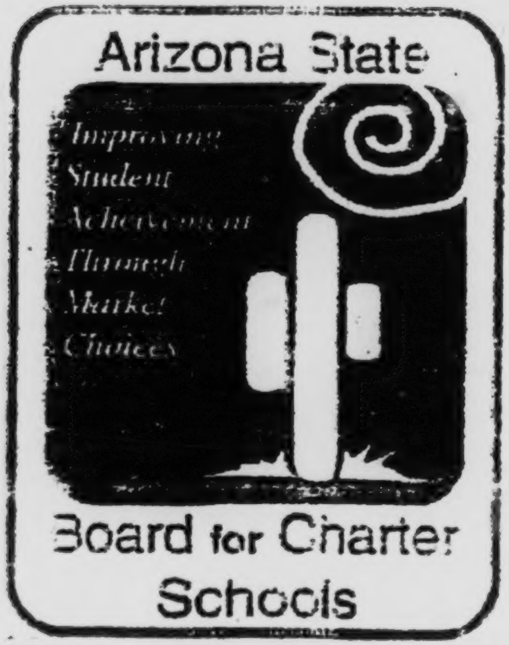
School Finance Unit
Arizona Department of Education
1535 West Jefferson
Phoenix, Arizona 85007
Phone (602) 542-8227

Student Services/Child Nutrition Programs
Arizona Department of Education
1535 West Jefferson
Phoenix, Arizona 85007
Phone (602) 542-8700

Student Achievement and Assessment
Arizona Department of Education
1535 West Jefferson
Phoenix, Arizona 85007
Phone (602) 542-7841

Goldwater Institute
201 North Central
Phoenix, Arizona 85004
Phone (602) 256-7018

Charter School Association
(480) 775-6237


Arizona State
Improving
Student
Achievement
Through
Market
Choices
Board for Charter
Schools

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SECTION 6

THE SPECIAL EDUCATION PROCESS AND IDEA 1997

THE SPECIAL EDUCATION PROCESS AND IDEA 1997

Due to recent changes in the Federal IDEA statute and our desire to get you the most current information on this process, we are revising this portion of the handbook. The revisions will be completed by mid March 2000. You are strongly encouraged to contact the Exceptional Student Service department for the updated information. If you'd like to be placed on the mailing list for this document you may mail in the form at the bottom of this page.

Also included in this section is a copy of the "Special Education Rights of Parents and Children Under Federal and State Requirements." This describes what your students and their parents' rights are, and thus what you as a school operator will need to know. A review of this document will help you understand how important it will be to have Special Education addressed by your staff and/or those you hire to provide the required services.

Exceptional Student Services (ESS) has periodic training sessions throughout the year; enclosed is a list of those scheduled for the beginning of the year 2000. They are a wonderful resource and are updated constantly. Contact ESS directly at (602) 364-4000 for dates of training sessions not noted here.

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IDEA Information

Name: ______________________ **Date:** __________

School/Charter (If approved): ______________________

Mailing Address: ______________________

____

Phone: ______________ **Fax:** ______________

Sponsor (if approved): ______________________

Arizona Department of Education
Exceptional Student Services
1535 West Jefferson Street, Bin # 24
Phoenix, Arizona 85007
(602) 364-4000

12/99

SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN UNDER FEDERAL AND STATE REQUIREMENTS

The Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) is a federal special education law that requires school districts, charter schools, and other public educational agencies (hereafter referred to as the "School") to provide a free appropriate public education (FAPE) to eligible children with disabilities. This free appropriate public education refers to special education and related services, described in an Individualized Education Program (IEP) and provided to the child in the least restrictive environment (LRE).

Children with disabilities and their parents are guaranteed certain educational rights, known as procedural safeguards, from ages birth through 21. This booklet will help you make appropriate educational decisions on behalf of your child. IDEA '97 and its implementing regulations also provides methods to help you assure that your input is considered.

If your child is not currently receiving special education services, you have been given this information either because you asked that your child receive special education services or because we believe that special education services may be necessary for your child to receive a free appropriate public education (FAPE). We are required to evaluate your child to identify and document whether your child has any disabilities that affect his or her learning and, if so, to determine what special education and related services are required. The evaluation will only be done after we have explained what we plan to do during the evaluation. We will use tests and procedures selected specifically for your child. The evaluation will not include basic tests or procedures used routinely for all students within a class, grade, or school. This evaluation will be conducted according to federal and state requirements and will include information provided by you. Following the evaluation, we will provide you with the complete results within 60 calendar days of your written consent. If your child is found to be eligible for special education services, we will ask you to help us develop an Individualized Education Program (IEP) and identify the special education and related services and any other support services needed by your child. You may ask others to be present at the IEP meeting, if you wish.

If your child is already receiving special education services, this information is being provided because we are: (1) arranging to review your child's IEP, (2) planning a re-evaluation of your child, or (3) you have requested an impartial due process hearing.

FOR MORE INFORMATION

Where can I get more help to understand these rights?

You should speak with your child's teacher or school principal, the director of special education or the superintendent of the School where your child receives educational services, if you do not understand any of these rights or procedures. Other parent support groups, such as the Parent Information Network Specialists (PINS), sponsored by the Arizona Department of Education, can also be contacted, at the number listed below, to help you to better understand the procedures. You can also contact the Arizona Center for Disability Law at the numbers listed below.

Parent Information Network Specialists (PINS)	In Phoenix: (602) 542-3852 Outside Phoenix Area: (800) 352-4558
Arizona Center for Disability Law	In Tucson: (800) 922-1447 In Phoenix: (800) 927-2260

Additionally, the Exceptional Student Services Division of the Arizona Department of Education (ADE/ESS) is also available to assist you. The phone number in Tucson is (520) 628-6330; and in Phoenix (602) 364-4000.

Revised by ADE/ESS 10/14/99

WRITTEN NOTICES

What types of notice can I expect to receive?

There are three types of notice that you should expect to receive: Procedural Safeguards Notice, Prior Written Notice, and Meeting Notice.

What is the Procedural Safeguards Notice?

The information contained in this booklet will serve as the Procedural Safeguards Notice. It has a full explanation of your rights and those of your child along with procedures that will be used by us to ensure that your rights and those of your child are protected throughout the special education process.

When should I receive the Procedural Safeguards Notice?

A Procedural Safeguards Notice must be provided to you, at a minimum, at the following times:

1. At the initial referral for evaluation;
2. At each notification of an IEP meeting;
3. Every time your child is reevaluated; and
4. When you or the School requests due process.

What is the Prior Written Notice ?

The notice will explain what we propose or refuse to do and how we reached this decision, including a description of each test, record, or report that we used in reaching that decision. We will also describe the alternatives we considered and why we chose the action that we wish to take as well as any other factors that were relevant to our decision. In addition, the prior written notice must include a statement that parents of a child with a disability have protection under the procedural safeguards and if this notice is not for the initial referral for evaluation, you will also be told where you can obtain another copy of the procedural safeguards notice and sources you can contact to get help in understanding your rights.

When should I receive Prior Written Notice?

Prior written notice must be provided to you whenever we propose or refuse to initiate or change the identification, evaluation, or educational placement, or for the provision of a free appropriate public education (FAPE) to your child. This means that you will be given Prior Written Notice whenever we want to begin, change, or discontinue special education and related services to your child, or to change the conditions under which these services are being provided.

What can I do if I do not understand the Prior Written Notice?

The notice must be written in language that is understandable to the general public. If you have trouble understanding this or any other document, please ask us to explain any terms or procedures that you do not understand. You may also call the ADE/ESS or advocacy and support groups. We encourage you to ask questions until you fully understand. We will arrange for an interpreter for parents who speak another language. If a parent is deaf or blind or has no written language, we will arrange for communication of this notice in the mode normally used by the parent (such as in sign language, Braille, or through oral communication).

What can I do if I disagree with the action indicated in the Prior Written Notice?

If you disagree with a proposed or refused action after receiving a Prior Written Notice, you should call your child's principal, the director of special education, or the individual in charge of the educational program to discuss the proposed or refused action. If we cannot agree on the action, you have the right to resolution by requesting mediation or an impartial due process hearing. Mediation and impartial due process hearings are discussed, in more detail, later in this document.

What is the Meeting Notice?

A Meeting Notice must be provided when any group meets concerning the identification, evaluation, educational placement of your child, or the provision of a Free Appropriate Public Education (FAPE) of your child. You will be invited to all these meetings.

What will the Meeting Notice tell me?

The Meeting Notice will tell you the purpose, time and location of the meeting, and who will be invited to attend.

What will happen if you can not attend a meeting?

If you can not attend the meeting, we may use other methods to ensure your participation, including individual or conference telephone calls, or video conferencing.

Decisions may be made without you if we are unable to obtain your participation. In this case, we must have a record of our attempts to ensure your participation.

PARENT CONSENT

When is my written consent required?

Your informed consent is required in five instances:

1. Before we can begin evaluating your child for the first time to determine if your child requires special education and related services;
2. Before we gather new information during a reevaluation of your child;
3. Before your child is placed for the first time in a special education program;
4. Before we release any personally identifiable information about your child to any person not otherwise entitled by law to see it; and
5. Before we access your private insurance with regard to services required to provide FAPE.

Your agreement in any of these instances must be voluntary and may be revoked at any time. If you do not consent, and we believe that we are required to undertake them to provide your child FAPE, we must follow certain procedures. We may ask you to enter into mediation, or we may initiate an impartial due process hearing to override your refusal, except as it pertains to instance Number Five above. Under instance Number Five, we must inform you that your refusal to permit us to access your private insurance does not relieve us of our responsibility to ensure that FAPE is provided to your child.

When is my written consent not required?

We can conduct a re-evaluation without your consent if we can show that we took reasonable measures to obtain your consent and you did not respond. We may also release your child's educational records without your consent under specific exceptions allowed under the law.

PARENT PARTICIPATION

Do I have the right to participate in meetings about my child?

You, as the parents or guardians of a child with a disability, have the right and the responsibility to be involved in all meetings regarding the process of identification, evaluation, placement, and the provision of FAPE for your child. Covered meetings do not include informal or unscheduled conversations involving School personnel on issues such as teaching methodology, lesson plans, or coordination of service provision unless those issues are addressed in your child's IEP. Covered meetings also do not include preparatory activities that we engage in that will be discussed at a later meeting.

SURROGATE PARENTS

When is a surrogate parent needed?

There are times in the lives of some children with disabilities when a surrogate parent is needed to represent the child's special education interests. For example, we must ask the court to appoint a surrogate parent when: (1) no parent can be identified, (2) we cannot, after reasonable efforts, locate the parents, or (3) the child is a ward of the State. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child. The surrogate parent: (a) shall be determined by the court to posses knowledge and skills that will ensure adequate representation of the child, (b) may not be an employee of a state agency if that agency is involved in the education or care of the child, and (c) may not have any interests that would conflict with the best interests of the child.

TRANSFER OF RIGHTS

When do parental rights transfer to a child with a disability?

When your child reaches age 18, we must provide any required notices to both you and your child. You retain the right to participate in meetings for which you receive notice. All other rights transfer to your child (except for a child with a disability who has been determined to be incompetent under State law or if you have retained court-appointed legal guardianship). We must inform you and your child of the rights that will transfer at least one year before your child reaches age 18. We must also inform you and your child in writing when the rights transfer. All rights accorded to parents under IDEA '97 transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.

ACCESS TO EDUCATIONAL RECORDS

How can I examine my child's education records?

We have established procedures both to provide you with access to your child's education records and to protect any personally identifiable information in those records. If any education record includes information on a child in addition to yours, you may examine only the information relating to your child. If you request, we will give you a list of the types and locations of education records used by the School. We will also tell you who, if anyone, other than you and the authorized School personnel, has examined your child's records, the date access was given, and the purpose for which the person was authorized to review the records. We must allow you to inspect and review any education records relating to your child with respect to identification, evaluation, and educational placement, and the provision of FAPE to your child. These records include any that are collected, maintained, or used by us to make decisions about your child's education. It should be noted that when these records are no longer required to be maintained by the School, we would inform you before destroying them.

We will comply with your request to inspect or review your child's records without unnecessary delay and before any meeting regarding an IEP or any hearing relating to the identification, evaluation, or educational placement, or the provision of FAPE to the child. In no case may we delay more than 45 calendar days after your request has been made. This right of inspection includes an explanation and interpretation of these records to you by the School personnel. You may also have your child's records inspected and reviewed by a representative of your choice. You may request copies of the records. We may charge a fee for copies if the fee does not effectively prevent you from exercising your right to inspect and review those records. We will presume that you have the authority to inspect and review records relating to your child unless we have been advised that you do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

How can I correct information in the records?

If, after reviewing your child's education records, you believe that they contain information that is inaccurate, misleading, or that you believe violates your child's privacy or other rights, you may ask us to change that information. We will either make those changes or reject your request for change within a reasonable period of time. If we reject your request, we will inform you of our rejection and provide information on your right to a hearing. The hearing can be held by any School official or other individual who does not have a direct interest in the outcome.

Once the hearing is completed, the following procedures will be used:

1. If your objection is found to be justified, we will amend the information accordingly and inform you in writing.

2. If your objection is found not to be justified, you have the right to place a statement in your child's education records commenting on the information or giving the reasons for your disagreement with the decision. We will maintain your explanation as part of your child's records as long as we retain your child's records or any contested portion, and will forward your comments along with other records should your child move to another school.

Will I be told when you disclose my child's records?

We must obtain your consent before allowing information to be used for a purpose other than for that which it was collected or before disclosing personally identifiable information about your child to anyone not entitled to see it under state or federal law. You can review the names and positions of School personnel entitled to see personally identifiable information about your child at the location where the files are maintained. We are responsible for insuring the confidentiality of personally identifiable information about all students, as well as for providing information to you about your rights under the Family Education Rights and Privacy Act (FERPA) and its implementing regulations. This federal law is the primary statute protecting your privacy and that of your child. We may release your child's educational records without your consent under specific exceptions allowed under the law.

INDEPENDENT EDUCATIONAL EVALUATION

Can my child be tested at the expense of the School?

You have the right to an independent evaluation at public expense if you disagree with the evaluation performed or obtained by the School. This evaluation is called an Independent Educational Evaluation (IEE) and should be carried out by qualified persons who are not employed by the School. If you request information on how to obtain an IEE, we shall provide you with information about where an evaluation may be obtained. We will also supply you with information regarding the criteria applicable to an IEE.

We may ask you why you object to the evaluation performed or obtained by the School. However, we may not unreasonably delay providing the information on how to obtain an IEE because of the request by us regarding the reasons for your objection.

Must the School always pay for an Independent Educational Evaluation that I request?

If you request an IEE, we may initiate an Impartial Due Process Hearing to show that its evaluation is appropriate. If the final decision of the Impartial Due Process Hearing Officer is that our evaluation is appropriate, you still have the right to an IEE, but not at public expense.

Must the results of the Independent Educational Evaluation be considered by the School in making decisions about my child?

We must consider the results from an IEE regardless of whether the evaluation has been completed at public or private expense.

Are there any other times when an Independent Educational Evaluation might be required?

An Impartial Due Process Hearing Officer may request an IEE as part of a hearing. When this happens, the cost of the evaluation must be at public expense.

UNILATERAL PLACEMENT OF CHILDREN BY PARENTS IN PRIVATE SCHOOLS

Can I place my child in a private school and expect the public school to pay for the placement?

We do not have to pay for the cost of an education, including special education and related services, of a child with a disability at a private school or facility if we make FAPE available to your child, and you elect to place your child in a private school or facility. However, we may be required to reimburse you for the cost of that placement under certain circumstances. You must notify us if you decide to remove your child from the School and place your child in a private school. It should be noted that if you unilaterally place your child in a private school, there is no individual entitlement to special education and related services for your child.

Under what circumstances can I be reimbursed for the cost of enrolling my child in a private school?

These reimbursement provisions apply only if your child previously received special education and related services under the authority of a public agency, and you enrolled your child in a private elementary or secondary school or facility without our consent or referral. Under these circumstances, reimbursement can be ordered if a court or hearing officer finds that we did not make a free appropriate public education available to your child in a timely manner before you enrolled your child in the private school or facility.

Why would I be denied the cost of reimbursement?

A court or an Impartial Due Process Hearing Officer may reduce or deny the cost of the reimbursement if you have not complied with the requirement to inform us of your intention to place your child in a private school. This requirement can be fulfilled in one of two ways. First, at the most recent Individualized Education Program (IEP) meeting you attended prior to removing your child to a private school, you can inform the IEP team that you reject the placement proposed by us, state your concern, and state your intention to enroll your child in a private school at public expense. Or, you can give written notice of this information to us at least 10 business days (including holidays that occur on a business day) prior to removing your child from the public school. Reimbursement may not be reduced or denied for failure to provide this notice if a parent is illiterate or cannot write in English, if reducing or denying reimbursement would likely result in physical or serious emotional harm to your child, if we prevented you from providing such notice, or if you were not informed that you must provide this notice to us.

Reimbursement may also be reduced or denied if we provided written notice of our intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable) prior to the child's removal from the public school, and you did not make your child available for such an evaluation. Reimbursement may also be reduced or denied if a court finds that actions taken by you were unreasonable.

Can I file a State complaint if I feel the district of residence (the district in which the legal guardian of the child resides) is not complying with federal special education requirements under the IDEA?

Yes, if you feel the district of residence your child would attend if not enrolled in a private school has failed to meet the federal requirements pertaining to private school placement, you may file a complaint using the procedures described in the next section of this document.

Can I request a due process hearing if I feel the school district in which my child's private school is located is not complying with federal special education requirements under the IDEA?

Your right to a due process hearing is limited if you place your child in a private school without the consent of your local school district. Due process may only be filed regarding the district's failure to locate, identify, and evaluate private school students.

HOW DISPUTES ARE RESOLVED

MEDIATION

What is mediation?

Mediation is a voluntary process that brings together the parties to a dispute with a third party in an attempt to resolve the disagreement through a structured, yet informal meeting. This third party is called a mediator. This is a person who is qualified, impartial, and trained in effective mediation techniques. The state has developed a Mediation System to assist families and Schools in resolving disagreements regarding special education. The costs associated with this process are paid by the state. Mediation must be available whenever an Impartial Due Process Hearing is requested, but may not be used to delay or deny your right to an Impartial Due Process Hearing. Mediation can not be used to extend the 45 calendar day timeline set for Impartial Due Process Hearings, unless both parties request the Impartial Due Process Hearing Officer to postpone the Impartial Due Process Hearing, pending mediation efforts.

What kinds of disagreements can be handled through mediation?

Any dispute relating to the identification, evaluation, educational placement, or the provision of a Free Appropriate Public Education (FAPE) to your child may be discussed and, if possible, resolved through mediation.

How does mediation work?

Either party can request mediation. If both parties agree, the state should be contacted and a request made for assignment of a mediator. The mediator will arrange for the parties to meet in sessions that are scheduled at times and in places convenient to the parties. Any decisions reached through mediation will be put into a written agreement. Discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent Impartial Due Process Hearings or in court proceedings. The parties may be required to sign a confidentiality pledge prior to beginning the mediation process.

Who will serve as a mediator?

The mediator will be randomly selected from a list of individuals who are qualified mediators and who are knowledgeable about the laws and regulations relating to the provision of special education and related services. The person who serves as the mediator will be free of any interest that conflicts with the interests of any party to the mediation.

Can I be required to use mediation?

Since this is a voluntary process, you can not be required to participate in mediation. However, if you choose not to participate, the law permits us to establish procedures to require you to meet with a disinterested party from one of the parent information centers, or other appropriate alternative dispute resolution groups or persons. This meeting is designed to encourage the use, and explain the benefits, of the process to you and must be free and at a time and location that is convenient to you.

How can I obtain information about mediation?

You can contact us or the Dispute Resolution Coordinator at the Exceptional Student Services Division of the Arizona Department of Education for information on the process or to request mediation.

STATE COMPLAINT PROCESS

What is the State Complaint Process?

You have the right to file a complaint with the Exceptional Student Services Division of the Arizona Department of Education when you believe that we are not complying with federal or state special education laws and regulations. This complaint can deal with any aspect of the process relative to the identification, evaluation, placement, or the provision of FAPE.

What do I need to do to file a complaint with the State?

Your complaint must be in writing and signed. Your complaint should include the facts related to the alleged violation(s) and should be filed within one calendar year of the alleged violation(s). However, a longer period will be considered reasonable if the violation is continuing, or because you are requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received. Your complaint should be sent to the Dispute Resolution Coordinator at the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson, Phoenix, Arizona 85007.

What can I expect to happen when I file a complaint with the State?

When your complaint is received by the Dispute Resolution Coordinator, it is reviewed and an investigator is assigned. You will be notified and a copy of your complaint will be forwarded to us. You will be contacted to ensure that the investigator understands your concerns and to discuss any additional information that you believe may be relevant. Additionally, we will be contacted to discuss the procedures that will be used and to gather preliminary information that may be needed. A decision is then made as to whether the investigator will do an on-site visit or request that we submit information in writing. The investigator will complete his or her investigation and give you his or her decision within 60 calendar days. The decision will include findings of fact and establish a corrective action plan, if one is required. An extension of this timeline will only be made if there are extraordinary circumstances. If this occurs, all parties will be notified in writing.

What will happen if I request a due process hearing while a complaint is being investigated?

If a written complaint is received that is also the subject of a due process hearing, or contains several issues, of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. The State complaint process must resolve any issue in the complaint that is not a part of the due process action.

DUE PROCESS SYSTEM

What is an Impartial Due Process Hearing?

An Impartial Due Process Hearing is the process that is used to resolve disputes between parents and Schools. In this process an impartial and trained third person agrees to hear both sides of the dispute and make a decision based upon State laws and regulations, the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) and its implementing regulations, or under similar cases that have been settled in court. An Impartial Due Process Hearing will be conducted in accordance with the requirements of applicable federal and state laws and regulations. The decision of the Impartial Due Process Hearing Officer can be appealed by you or the School for Administrative Review at the state level. Thereafter, both parties also have the right to file suit in state or federal court to contest any review decision.

What disputes can be brought to an Impartial Due Process Hearing?

You can bring disputes involving your child's identification, evaluation, placement, or the provision of a free appropriate public education (FAPE) for your child.

How do I request an Impartial Due Process Hearing?

If you decide that you want an Impartial Due Process Hearing, the request must be in writing to the chief administrator of the School. You must provide your child's name and address, and the name of the school or program your child is attending. You must describe the nature of the dispute and the facts relating to the problem. Further, you must propose a resolution to the problem to the extent possible at the time. You may obtain a copy of a sample form that you may use to request the hearing from us or from the Exceptional Student Services Division of the Arizona Department of Education. We will provide you with information on how to obtain free or low-cost legal services, or other relevant services, if an Impartial Due Process Hearing is initiated by you or by the School.

When is an Impartial Due Process Hearing available?

An Impartial Due Process Hearing may be requested by you or by the student, if he or she is at least 18 years of age but less that 22 years old. We may also request an Impartial Due Process Hearing. An Impartial Due Process Hearing may be requested because of a disagreement concerning any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to such child. The following are examples of some of the reasons you might seek an Impartial Due Process Hearing:

1. We refuse to identify, evaluate, or appropriately serve your child.
2. We fail to consider results of an Independent Educational Evaluation (IEE).
3. You disagree with a proposed Individualized Education Program (IEP).
4. You object to termination of your child's special education program.
5. You believe our proposed placement will not meet your child's needs as stated in the IEP.
6. You believe the placement is not in the Least Restrictive Environment (LRE) to meet your child's needs.
7. You disagree with our intent to graduate your child.

Examples of some circumstances when we may initiate an Impartial Due Process Hearing are:

1. If you request an Independent Education Evaluation and we believe that our evaluation is appropriate.
2. You refuse consent for an evaluation or re-evaluation and we believe that without this information we may be unable to provide FAPE to your child.

Who will conduct the Impartial Due Process Hearing?

The Impartial Due Process Hearing is conducted by a person known as an Impartial Due Process Hearing Officer. This person has the responsibility to assure that proper procedures are followed and that rights of the parties are protected. An Impartial Due Process Hearing Officer shall be:

1. Unbiased – not prejudiced for or against any party in the Impartial Due Process Hearing;
2. Disinterested – not having any personal or professional interest that would conflict with his or her objectivity in the Impartial Due Process Hearing;
3. Independent – may not be an officer or employee of the School, the Arizona Department of Education, or any other public agency involved in the education or care of the child. A person who otherwise qualifies to conduct an Impartial Due Process Hearing is not an employee of the agency solely because he or she is paid by the agency to serve as an Impartial Due Process Hearing Officer; and
4. Trained by the Arizona Department of Education as to state and federal laws and regulations relating to the identification, evaluation, placement, and the provision of a free appropriate public education (FAPE) for children with disabilities.

How long will an Impartial Due Process Hearing decision take?

The Impartial Due Process Hearing must be conducted and a copy of the Impartial Due Process Hearing Officer's decision must be delivered to both parties no later than 45 calendar days after the written request for the hearing was received. However, this timeline may be extended if the Impartial Due Process Hearing Officer grants a specific extension of time following the request of either party. The Impartial Due Process Hearing Officer must reach a decision and deliver a copy of written or, at your option, electronic findings of fact and decisions to each of the parties. The Arizona Department of Education, after removing any personally identifiable information, will transmit the findings and decision to the Special Education Advisory Committee and make them available to the general public. If the School or you do not take any further action, the Impartial Due Process Hearing decision is final.

What procedures will be followed during the Impartial Due Process Hearing?

The Impartial Due Process Hearing Officer shall preside at the Impartial Due Process Hearing and shall conduct the proceedings in a fair and impartial manner to ensure that all parties involved have an opportunity to:

1. Present their evidence and confront, cross-examine, and compel the attendance of witnesses;
2. Prohibit the introduction at the Impartial Due Process Hearing of any evidence or evaluations completed by that date with recommendations that have not been disclosed to all parties at least five business days before the Impartial Due Process Hearing, if the party intends to use that information in the Impartial Due Process Hearing; and
3. Produce outside expert witnesses, be represented by legal counsel and by individuals with special knowledge or training with respect to problems of children with disabilities.

What are my rights during an Impartial Due Process Hearing?

The Impartial Due Process Hearing will be conducted at a time and place that is convenient to you and to your child, who may be present if you wish. The Impartial Due Process Hearing Officer will open the hearing to the public at your request; otherwise, the hearing is closed to the public. In cases where there are language differences, an interpreter shall be provided for you. You have all of the rights in the procedures noted above. At the conclusion of the Impartial Due Process Hearing, either party or its representative(s) has the right to obtain a written or, or at your option, electronic verbatim record of the hearing.

Can the Impartial Due Process Hearing decision be appealed?

Both you and the School can appeal the Impartial Due Process Hearing decision to an Administrative Review Officer, who must meet the same impartiality requirements required for local or first level Impartial Due Process Hearing Officers. The request for an appeal must be made within 35 calendar days after receiving the decision of the Impartial Due Process Hearing Officer.

What happens during an Administrative Review?

The Executive Director of the Office of Administrative Hearings will assign an Administrative Law Judge to serve as the Administrative Review Officer. The Administrative Review Officer will examine the entire first level Impartial Due Process Hearing record, insure that required procedures were followed, and make an independent decision. The Administrative Review Officer may take additional evidence if he or she believes it is necessary, and may allow the parties an opportunity for additional argument in person or in writing. If the Administrative Review Officer allows additional argument, it will be conducted at a time and place that is convenient to you and your child, who may be present if you wish.

How long will a review decision take?

The Administrative Review Officer must reach a decision and deliver a copy of the written or, at your option, electronic findings of fact and decisions to each of the parties within 30 calendar days after the Administrative Review Officer has determined that he or she has the entire Impartial Due Process Hearing record for review. This date may only be delayed if the Administrative Review Officer grants a specific extension of time following the request of either party. If neither party appeals the decision, it is final. After any personally identifiable information is deleted, a copy of the findings and decisions will be transmitted to the Special Education Advisory Committee, and made available to the general public.

Can I appeal to the state or federal court?

The Administrative Review Officer's decision is final unless either party files a civil action. You and the School have the right to appeal any Administrative Review decision to the appropriate state or federal court.

Can I be awarded attorney's fees?

You may be awarded attorney's fees by the state or federal court if you prevail on a substantial number of the issues in a particular Impartial Due Process Hearing. You can substantially prevail without winning everything that you want from us. You may also be awarded attorney's fees if the court finds that we unnecessarily drew out the final resolution of the action or proceedings or if there was a violation of this section. Fees awarded shall be based on rates prevailing in the community in which the action or proceedings arose for the kind and quality of services furnished, and are not subject to the use of a bonus or multiplier. You can not be awarded attorney's fees for IEP meetings, unless the meeting is ordered as a result of an administrative proceeding or judicial action. You also can not be awarded attorney's fees for a mediation conducted prior to the filing of a request for an Impartial Due Process Hearing. Attorney's fees may be reduced if you unreasonably draw out the final resolution, if your attorney's fees exceed the prevailing hourly rate, if the time spent by the attorney and the legal services furnished were excessive, or if your attorney failed to provide appropriate information to us. Whether you are entitled to attorney's fees can be a difficult determination and must be made by a court, not by the Impartial Due Process Hearing Officers or the Administrative Review Officer.

Where will my child be placed during the Impartial Due Process Hearing, Administrative Review, or court action?

In general, unless we both agree otherwise, we can not change your child's placement as it existed on the day you ask for an Impartial Due Process Hearing until the completion of all legal proceedings. However, if an Impartial Due Process Hearing Officer agrees with you that a change of placement is appropriate, that placement must be treated as an agreement between you and the School. If your child is entering public school for the first time, the law requires that, if you agree, we place him or her in the public school program that he or she would otherwise be entitled to attend, until any hearings or court proceedings are concluded, unless we both agree to a different placement. There are some exceptions to this general rule (See the "Discipline Procedures" section).

DISCIPLINE PROCEDURES

Is the School ever permitted to remove my child with a disability from his or her placement?

We are permitted, under law, to remove your child from his or her current placement under certain circumstances. School personnel can place your child in an appropriate interim alternative educational setting (IAES), another setting, or suspend your child for not more than 10 consecutive school days, if this is the policy we have for all students. Additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct can occur as long as those removals do not constitute a "change in placement."

A "change in placement" occurs if the removal is for more than 10 consecutive school days; or your child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time your child is removed, and the proximity of the removals to one another.

Are there any services the School must provide to my child with a disability when he or she is removed from his or her current placement for more than a total of 10 school days in a school year when the removal does not constitute a "change in placement"?

Beginning on the eleventh cumulative day in a school year that your child with a disability is removed from his or her current placement, we must provide those services that school personnel, in consultation with your child's special education teacher, determine to be necessary to enable your child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in your child's IEP. School personnel would determine where those services would be provided.

Is the School required to conduct a functional behavior assessment and develop a behavior plan?

Either before, or not later than 10 business days after either first removing your child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement, we must take certain actions. If we have not previously conducted a functional behavioral assessment and implemented a behavior intervention plan, we must convene an Individualized Education Program (IEP) meeting to develop an assessment plan to address the behavior. If your child already had a behavioral intervention plan, the IEP team must review the plan and modify it as necessary to address the behavior,

When may my child with a disability be placed in an Interim Alternative Educational Setting (IAES)?

We can place your child in an appropriate interim alternative educational setting for up to 45 calendar days if he or she carries a weapon, or is in possession of a weapon, to school or to a school function. We can also make an interim placement for up to 45 calendar days if your child knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or at a school function. An Impartial Due Process Hearing Officer can also order your child placed in an appropriate interim alternative educational setting under certain circumstances if we demonstrate by substantial evidence that maintaining the current placement is substantially likely to result in injury to your child or to others. Before making such an interim placement, the Impartial Due Process Hearing Officer must consider the appropriateness of your child's current placement, and whether we made reasonable efforts to minimize the risk of harm.

What can I expect when placement in an interim alternative educational setting is ordered?

Placement in an interim alternative educational setting ordered by us or by an Impartial Due Process Hearing Officer must provide for certain things. First, the interim alternative educational setting must enable your child to continue to progress in the general curriculum and to continue to receive those services and modifications, including those described in your child's current IEP, that will enable your child to meet the goals set in his or her IEP. The interim alternative educational setting must also include services and modifications designed to address the behavior that resulted in the disciplinary action so that it does not recur.

You can request an Impartial Due Process Hearing to challenge the decisions that led to this interim placement. If you request an Impartial Due Process Hearing, your child will remain in the interim setting, unless we agree otherwise, until the Impartial Due Process Hearing Officer has made a decision or until the time period for the interim placement expires, whichever is sooner. If the interim placement expires, and we then propose to change your child's placement, you can also request an Impartial Due Process Hearing to challenge the placement we propose. If this occurs, your child will remain in the placement he or she was in prior to the removal to the interim setting. This is referred to as the current placement under the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97).

If we believe it is dangerous for your child to be in the current placement, we can request an Expedited Due Process Hearing to place your child in an appropriate interim alternative educational setting, or in another appropriate placement ordered by the hearing officer for no longer than 45 days, while the placement dispute is resolved. This procedure may be repeated, as necessary.

What must the School do if they intend to place my child with a disability in an interim alternative educational setting or initiate a "change of placement" for disciplinary reasons for more than 10 school days?

We must notify you that this action is going to be taken no later than the date on which the decision is made. The notification of our decision must include this statement of your rights. Then immediately, if possible, but no later than 10 school days after we make a decision to place your child in an interim alternative educational setting or initiate a "change of placement" for disciplinary reasons, we must review the relationship between your child's disability and the behavior that resulted in the disciplinary action. This is known as a manifestation determination review. The review of the relationship between the disability and the behavior must be conducted by the IEP team and other qualified personnel.

How do we decide if there is a relationship between my child's disability and the behavior that led to disciplinary action?

The IEP team and other qualified personnel may determine that the behavior of your child was not a manifestation of your child's disability only if the IEP team and other qualified personnel-

a) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including-
    1) Evaluation and diagnostic results, including the results or other relevant information supplied by you;
    2) Observations of your child; and
    3) Your child's IEP and placement; and
b) Then determine that-
    1) In relationship to the behavior subject to disciplinary action, your child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with your child's IEP and placement;
    2) Your child's disability did not impair the ability of your child to understand the impact and consequences of the behavior subject to disciplinary action; and
    3) Your child's disability did not impair the ability of your child to control the behavior subject to disciplinary action.

NOTE # 1: If the IEP team and other qualified personnel determine that any of the standards in paragraph (b) above were not met, the behavior must be considered a manifestation of your child's disability.

NOTE # 2: If, in the manifestation determination review, we identify deficiencies in your child's IEP or placement or in their implementation, we must take immediate steps to remedy those deficiencies.

What happens if my child's behavior is determined not to be a manifestation of his or her disability?

If your child's behavior is determined not to be a manifestation of his or her disability, disciplinary procedures that are used with children without disabilities can be used. If we initiate disciplinary procedures applicable to all children, we shall ensure that the special education and disciplinary records of your child are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action. If your child is suspended from school for more than 10 school days or expelled from school, we must continue to provide him or her with a Free Appropriate Public Education (FAPE). Educational services must be provided to the extent necessary to enable your child to appropriately progress in the general curriculum and appropriately advance toward the goals as set out in your child's IEP.

What if I disagree with the outcome of the manifestation determination review or placement decision?

If you disagree with the determination that your child's behavior is not a manifestation of your child's disability or with any decision regarding placement as a result of disciplinary action, you may request an Impartial Due Process Hearing. This type of hearing would be expedited. An expedited due process hearing shall be conducted and the findings of fact and decision shall be issued within 10 calendar days by an impartial due process hearing officer. In addition, you and the School may try mediation to resolve your disagreements.

Can my child with a disability be reported to law enforcement authorities?

Nothing in these provisions prohibits us from reporting a crime committed by a child with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities under state and federal law. The School reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of your child are transmitted for consideration by the appropriate authorities to whom it reports the crime. The School reporting a crime may transmit copies of your child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

What protection does my child have if he or she has not been identified as being a child with a disability?

A child who has not been determined to be eligible for special education and related services, who has engaged in behavior that violates any rule or code of conduct of the School, may claim any of the disciplinary protections if we had knowledge that your child had a possible disability before the behavior occurred. We are determined to have knowledge if:

1. You, as the parent, expressed your concerns that your child needed special education and related services, in writing (or orally, under certain conditions);
2. Your child's behavior or performance demonstrates the need for such services;
3. You requested an evaluation of your child; or
4. The teacher or other School personnel expressed concern about the behavior or performance of your child to the director of special education or other School personnel in accordance with our established child find or special education referral system.

NOTE # 1: We would not be deemed to have knowledge that your child is a child with a disability if, we either conducted an evaluation, and determined that your child was not a child with a disability; or determined that an evaluation was not necessary; and provided a prior written notice to you of its determination in either of these situations.

NOTE # 2: If we do not have knowledge that your child is a child with a disability (in accordance with the provisions addressed above) prior to taking disciplinary measures against your child, your child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with the following:

a) If a request is made for an evaluation of your child during the time period in which your child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
b) Until the evaluation is completed, your child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.
c) If your child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by us and information provided by you, we shall provide special education and related services in accordance with Federal and State requirements.

* * * * * * * * * * * * * *

Finally, it is important that you understand all of these rights. Make sure that you ask questions until you understand all of the procedures to which you and your child are entitled.

SECTION 7

BEFORE SIGNING THE CHARTER: THE "TO DO" LIST

SATE BOARD OF EDUCATION

CONTRACT CHECKLIST

Upon charter approval, the charter school applicant must provide the following information to the Charter Schools Division before entering into a charter contract. This information needs to be turned in as soon as possible to expedite preparing your charter contract for signature. The contract will be signed by the sponsoring Board president and by the authorized agent of the legal entity that is responsible for the charter school.

School Name: ______________________________

Initials Auth. Agent		**Initials C.S. Office**
________	**Affidavits** of Governing Board Members (if not already on file).	________
________	**List of persons who are authorized to legally bind the business entity** (Contractor) which has contracted with the Board.	________
________	Copy of signed **Articles of Incorporation** (or other documentation verifying the business entity which is contracting with the Board).	________
________	Copy of **Lease Agreement** or documentation of school location.	________
________	Copy of documentation demonstrating compliance with **required insurance.**	________
________	Documentation that guarantees the ability to connect with the Internet for the electronic exchange of information with ADE.**	________
________	Completed **IRS W-9 form and Vendor Setup/Change form** (must be on file before payments can be made).	________
________	Copy of documentation demonstrating compliance with your **County Health/Environmental Services Department.** (*There may be a charge for bldg. plan review in some counties.)*	________
________	Copy of documentation of **approved use permits** by the building inspector in the municipality in which the charter school is located. *(There may be a charge in some counties.)*	________
________	Copy of documentation that the premises to be occupied by the school has **been inspected by the State Fire Marshall and the fire department** which has jurisdiction over the locality in which the charter school is located.	________
________	Documentation verifying the operator's attendance at a "New Operator's Overview of the Special Education Process." **(*this workshop is offered 2 times a year by The Special Education Unit*).**	________
________	Documentation of completed "Special Education Checklist" ***(will be received at the New Operator's Workshop)***	________

______________________________ ______________________________

School Representative Date Charter School Staff Date

*****Documentation consists of: Proof of contracting services with an ISP (Internet Service Provider) with a minimum connection to the internet of 56KB line (modems are not satisfactory). If unsure, call ADE Help Desk @ 602-542-7378***

Revised 12/23/99

Sample

BEST COPY AVAILABLE

SECTION 8

IMPORTANT CONTACTS

IMPORTANT CONTACTS

There are a number of important contacts which need to be established as the application is developed and during the start-up period of a Charter School.

- **Office of the State Fire Marshall**

The Office of the State Fire Marshall has provided requirements for Charter Schools which are included in Section 11.

Buildings used for Charter Schools must conform to minimum standards ***prior*** *to occupancy by students.*

Review and approval of construction documents for Charter Schools facilities must be conducted for new and renovated facilities. Conforming with these requirements can be an expensive endeavor and is an important consideration before acquiring a school facility.

- **Local City/County Zoning Offices**

It is critical to make early contact with the appropriate city and state planning and zoning services in your area as soon as potential facilities are located.

The main contact in Phoenix is Debbie Dillon (602) 495-0314. More detailed information is available by calling Ms. Dillon or the City Planning and Zoning offices. A sampling of important materials from the City of Phoenix is included later in this section, as well as some materials from Pima County Development Services Center Zoning Enforcement offices.

Here are some other key contacts which apply to all charter school applicants, regardless of location or sponsor.

- **School Finance Unit at the Arizona Department of Education**

The School Finance Unit at the Arizona Department of Education is an important contact for information regarding school enrollment, school calendars, budgets and apportionment. Key contacts in the School Finance Unit and information they need and can provide are:

Rose Whelihan	Student Data Collection rwhelih@mail1.ade.state.az.us	(602) 542-8240
Kristen Jordison	Calculation of Equalization Assistance or Payment kjordis@mail1.ade.state.az.us	(602) 542-8248
Barbara Huttinger	Charter School Budgets & Annual Financial Report bhuttin@mail1.ade.state.az.us	(602) 542-8241

(continued on back)

- **Academic Standards and Accountability**
  - Standards (602) 542-5031 pyoung@mail1.ade.state.az.us
  - Arizona Instrument to Measure Standards (AIMS) (602) 542-5031 pyoung@mail1.ade.state.az.us
  - Stanford 9 (602) 542-5031 pyoung@mail1.ade.state.az.us
  - District Assessment Plans (DAP) (602) 542-5031 pyoung@mail1.ade.state.az.us
  - School Report Cards (602) 542-5022 bfontai@mail1.ade.state.az.us

- **Exceptional Student Services**
  - Gifted Education (602) 542-3855 ccarr@mail1.ade.state.az.us
  - Charter School Training 2000 (602) 542-3185 cbeltra@mail1.ade.state.az.us

- **Educational Technology** (602) 542-7886 klord@mail1.ade.state.az.us
  http://www.ade.state.az.us/technology

- **State Procurement** (602) 542-8237

- **Industrial Commission of Arizona**
  - Phoenix (602) 542-5781 800 W. Washington St.
  - Tucson (520) 628-5188 2675 E. Broadway

- **US Charter Schools web pages**
  http://www.uscharterschools.org

- **Arizona Charter School Association** *(See section 11.)*
  P.O. Box 27235, Tempe, AZ 85285-7235
  ph (480) 775-6237 fx (480) 820-8277

- **Association for Performance-Based Accreditation (APBA)** *(See section 11.)*
  4417 W. Golden Lane, Glendale, AZ 85302
  ph (602) 564-7390 fx (602) 564-7201

- **North Central Association (NCA)** *(See section 11.)*
  http://www.nca.asu.edu
  ph (800) 525-9517 or (602) 965-8700

- **Regional Training Centers (RTCs)** *(See section 11.)*
  http://www.ade.state.az.us/rtc
  - Flagstaff ph (520) 523-8516 fx (520) 523-8901
  - San Simon ph (520) 845-2275 fx (520) 845-2480
  - Tempe ph (480) 965-3322 fx (480) 965-8887
  - Tucson ph (520) 617-7084 fx (520) 798-8677
  - Yuma ph (520) 343-0800 fx (520) 782-7450

Name of City or Town		Number
Apache Junction	Building Official	520-982-5002
Avondale	Building Inspector	602-932-0031
Benson	Planning & Zoning Administrator	520-586-2245
Bisbee	Public Works Director	520-432-5446
Buckeye	Building Inspector	520-368-
Bullhead City	Community Dev. Director	520-763-9400
Camp Verde	Planning & Zoning Administrator	520-567-6631
Carefree	Building Official	520-488-1471
Casa Grande	Planning Director	520-421-8600
Cave Creek	Planning & Zoning Director	602-488-1400
Chandler	Planning Services Manager	602-786-2738
Chino Valley	Planning & Zoning Director	520-636-2646
Clifton	Clerk/Treasurer	520-865-4147
Colorado City	Building Official	520-875-2400
Coolidge	Building Inspector	520-723-7647
Cottonwood	Building Inspector	520-634-5505
Douglas	Planning Community Chrm.	520-364-7501
Duncan	Clerk/Treasurer	520-395-2791
Eagar	Planning & Zoning Bldg. Inspector	520-333-4128
El Mirage	Rosalyn Herrera	520-972-8116
Eloy	Planning Supervisor	520-466-7631
Flagstaff	Building Official	520-779-7631
Florence	Planning Community Chrm.	520-868-5604
Fountain Hills	Building Inspector	520-837-2003 Ext. 111
Fredonia	Clerk/Treasurer	520-643-7241
Gila Bend	Planning & Zoning Chairman	520-683-2398
Gilbert	Building/Code Enforcement Dir.	520-892-0800
Glendale	Planning Director	602-930-2800
Globe	Building Inspector	520-425-7991
Goodyear	Building Inspector	602-932-3494
Guadeloupe	Building Inspector	602-730-3080
Hayden	Building Inspector	602-356-7801
Holbrook	Office Mgr./Deputy Clerk	520-524-6225
Huachuca	Planning & Zoning Comm. Chair	520-456-1354
Jerome	Building Inspector	520-456-1354
Keamy	Clerk/Treasurer	520-634-7943
Kingman	Building Inspector	520-753-8123
Lake Havasu City	Public Works Director	520-453-4151
Litchfield Park	Building Official	602-935-1066
Mammoth	Planning & Zoning Comm. Chrm.	520-487-2331
Marana	Building Inspector	520-682-3401
Mesa	Building Inspector	602-644-2527

Name of City or Town		Number
Miami	Clerk/Treasurer	520-473-4403
Nogales	Planning Director	520-287-6571
Oro Valley	Planning & Zoning Director	520-797-9797
Page	Planning Director	520-645-4240
Paradise Valley	Zoning Administrator	602-948-7412
Parker	Building Inspector	520-669-9265
Patagonia	Building Inspector	520-394-2034
Payson	Zoning Administrator	520-474-5242
Peoria	Building Safety	602-412-7225
Phoenix	Planning Director	602-262-6364
Pima	Planning & Zoning Comm. Chrm.	520-485-2627
Pinetop-Lakeside	Planning & Zoning Administrator	520-368-8883
Prescott	Building Inspector	520-776-6246
Quartzsite	Planning & Zoning Comm. Char.	520-927-4333
Queen Creek	Planning Services Manager	520-955-7097
Safford	Building Inspector	520-482-2762
St. Johns	Clerk/Treasurer	520-337-4517
San Luis	Manager	520-627-2027
Scottsdale	Planning & Community General Manager	602-994-7705
Sedona	Clerk/Treasurer	520-282-3113
Show Low	Zoning Administrator	520-537-5205
Sierra Vista	Planning Community Chrm.	520-458-3315
Snowflake	Clerk/Treasurer	520-536-7103
Somerton	Planning Community Chrm.	520-627-9448
South Tucson	Planner	520-792-2424
Springerville	Planning & Zoning Director	520-333-2656
Superior	Building Inspector	520-689-5546
Surprise	Building Safety	602-583-1089
Taylor	Clerk/Treasurer	520-536-7366
Tempe	Building Safety	602-350-8341
Thatcher	Planning & Zoning Director	520-428-2165
Tolleson	Fire Chief/Building Safety	602-936-8500
Tombstone	Building Inspector	520-457-3618
Tucson	Planning Director	520-791-4505
Wellton	Manager	520-785-3348
Wickenburg	Planning Director	520-684-5451
Willcox	Planning Director	520-384-4271
Williams	Building Inspector	520-635-4451
Winkelman	Clerk/Treasurer	520-356-7854
Winslow	Building Official	520-289-2422
Youngtown	Planning & Zoning Comm. Char.	520-933-8286
Yuma	Clerk/Treasurer	520-343-8692

City of Phoenix
DEVELOPMENT SERVICES DEPARTMENT

Winner of the
Carl Bertelsmann
Prize for
BEST RUN CITY IN THE WORLD

HELPFUL HINTS FOR CHARTER SCHOOLS

- ✓ Hire an Architect or Engineer early in the process.
- ✓ Be sure facility targeted for occupancy meets the requirements for "E" occupancy educational use as defined by the adopted Phoenix Building Code.
- ✓ Call Development Services Department before signing any lease or purchase agreements.
- ✓ Areas which have been found to be confusing are landscape and sprinkler needs, Fire Department access versus suppression systems, and parking layouts.
- ✓ State approved buildings a.k.a. "modulars" always require City reviews and inspections for grading, zoning, and accessibility. Often, additional reviews and inspections are required for structural, electrical, mechanical, and plumbing improvements.
- ✓ State law requires the use of licensed contractors. Special license requirements are needed for working in the right of way.
- ✓ Call Development Services to have a Project Coordinator assigned who will assist you through the development process. The Project Coordinators will focus on site specific requirements; i.e., plans, permits, inspections, fees, bonding, and scheduling.

When in doubt, call us!

Deneé McKinley
Development Center Coordinator
495-0150

Karen Kirch
Management Assistant
495-0473

Cindy Newquist Iverson
Management Assistant
495-5202

200 West Washington Street, Phoenix, Arizona 85003

City of Phoenix

Street Transportation Department

If your school in Phoenix has frontage on a public street please call to arrange a site visit by a Traffic Investigator.

The City of Phoenix Street Transportation Department welcomes requests for assistance with traffic safety.

We do not limit our services to schools, and welcome all traffic safety inquiries.

Our services are provided at no cost.

Please call us at 262-4659 or 262-6459, FAX us at 495-0336, or write:

The City of Phoenix
Street Transportation Department
Operations Division
200 West Washington Street
6th Floor
Phoenix, Arizona 85003-1611

We wish you a safe, happy and successful school year.

CHARTER SCHOOLS & ZONING APPROVAL

I. **Zoning Ordinance** - All land within the City of Phoenix has a designated zoning classification that regulates the type of uses permitted and sets standards by which those uses may operate (such as building setbacks, lot coverage, and parking requirements). The Zoning Ordinance of the City of Phoenix and the Official Zoning Maps are the regulatory documents that provide direction to a property owner. The Zoning Ordinance also establishes procedures by which property may be considered for rezoning. This process takes approximately three to four months and involves one or more public hearing prior to a final determination. (If you have any questions regarding this process or seek additional information please contact the Planning Department at 262-7131.) However, in most situations rezoning will not be necessary and you may seek development approval based on the standards of the existing zoning district.

II. **Charter Schools** - The Zoning Ordinance does not specifically list or define charter schools. However, the Ordinance does address public, private, and parochial schools and institutions of higher education (other than business, trade, and technical schools). The Planning Department, by written clarification, had determined that charter schools should be considered the equivalent of the above and therefore permitted to locate in the same zoning districts, subject to the appropriate standards. The City recognizes that charter schools may propose nontraditional standards that were not recognized at the time that the existing standards were adopted, and therefore would consider modification of those standards when appropriate through the Zoning Adjustment process.

III. **Zoning Requirements** - The following zoning districts permit Charter schools subject to the listed standards. All development requires approval through the Development Services Department (Section 507 of the Zoning Ordinance) prior to the issuance of permits. The extent of the review may vary depending on the nature of the improvements such as new construction versus interior tenant alterations. Once it is determined that the Zoning district will permit the charter school it is appropriate to contact the Development Services Department at 495-0150 to determine the necessary level of review.

Permitted Subject to Site Plan or Development Review (Section 507)

Farm and Residential Districts   5-1, 5-2, R I -1 0, RE-43, RE-24, R 1 - 1 4

Commercial, Commercial Office, Industrial Districts	C-2, C-3, RSC, C-0, A-1, A-2
Downtown Core District	DC

Permitted Subject to the Following Standards

1. A lot of 20,000 square feet shall be required for the first 20 students. An additional 10,000 square feet shall be required for each additional 20 students.
2. The lot shall have at least 100 feet of frontage on a major street or with use permit approval, on a collector street.
3. A use permit shall be required if periods of instruction extend beyond the hours of 7 am to 4 pm.
4. A site plan in conformance with Section 507 shall be required of any private educational institution, parochial school, or private institution of higher education located in a residential district.

Single-family and Multifamily Residential Districts	RE-35, RE-24, R1-18, R1-10, Rl-8, R1- 6, R-2, R-3, R-3A, R-4, R-4A, R-5
Commercial Districts	C-1

Districts within which schools are not permitted

Residential Office	R-0
Planned Shopping Center	PSC
Resort	RH
Planned Area Development (Residential)	P.A.D.

IV. Zoning Adjustment Process

This process provides a means by which a hearing officer may consider "variances" to the standards of a zoning district when it is found that certain conditions exist on the subject site (please refer to the handout entitled "Basis for Zoning Administrator's Hearing Officer Actions on Variance and Use Permit requests"). As noted, the tests of a variance are sometimes difficult to meet and the burden of proof rests with the applicant. However, the Zoning Ordinance does not specifically address the unique standards that may be "typical" of charter schools, particularly with regard to minimum site size and location on a major street, thereby providing added support for variance consideration.

The Use Permit process (such as a request to extend the hours of operation or locate a school on a collector street) is similar in procedure to the variance process but utilizes different conditions in its review.

The typical time required to have a use permit, variance, or combination thereof, heard by the hearing officer is three (3) to four (4) weeks. The **filing** fee for applicable variances is $255.00. A similar fee of $255.00 is required for use permits. In certain instances fee waivers of up to $500.00 may be available for non-profit agencies providing services which promote City policy. (Please contact Planning Department staff for further detail.) For the majority of applications, the process is completed following the action of the Hearing Officer. However, as with most public hearings, an appeal process is available to the applicant or general public. Appeals are scheduled with the Board of Adjustment within approximately 30-45 days. Subsequent appeals may be made to the City Council or Superior Court.

V. Can the Process be Simplified?

As the City gains understanding of the nature of charter schools and the methods by which they operate, it is anticipated that a Text Amendment to the Zoning Ordinance will be processed to specifically address the needs of charter schools while providing appropriate safeguards to the community. For example, some charter schools may consider locating facilities in certain zoning districts (such as the commercial or industrial districts) that have not been typically used by other schools and may need to address the long term compatibility of adjacent land uses.

Whatever the circumstances, now or in the future, the City of Phoenix is committed to providing charter schools the assistance necessary to efficiently and effectively process all applications. Planning Department staff are available to answer your questions on zoning and assist you in processing any necessary applications.

Please call the Planning Department at 262-7131 or stop by the zoning counter on the 2nd floor of the City Hall, 200 West Washington, Phoenix, AZ 85003.

c:\office\charter.w6l

City of Phoenix

PROCEDURE FOR OBTAINING A CERTIFICATE OF OCCUPANCY CHARTER SCHOOLS

1. The applicant will receive a Certificate of Occupancy (C of O) application form when the building permit is issued. The top of this form is to be completed and posted on site.

2. Call the Development Services Department at 602-262-6981 to request all necessary inspections. (The State Fire Marshal will conduct all fire code related inspections.)

3. Each inspector will sign the C of O form when their discipline passes final inspection.

4. After all final inspection approvals have been obtained, including the fire inspection through the State Fire Marshal's office, the building may be occupied. The owner or a representative will receive a formal C of O through the mail. If a C of O is not received within two weeks of final approval, contact Building Safety Records at 602-262-7800.

A conditional C of O can be issued if there are outstanding issues not related to life safety. After all inspections have been made, inspectors may agree that the building can be occupied while conditions are being met. The conditional C of O is valid for a maximum of 180 days. If conditions are not met, the City may revoke occupancy, utility clearances, and project inspections. The fee for a Conditional C of O is $530 and is paid at the Development Service Department Cashier Counter at 200 W. Washington, second floor.

City of Phoenix

OCCUPANCY DEFINITIONS
From 1997 Uniform Building Code

Group A (Assembly) Occupancy

Group A Occupancies include the use of a building or structure, or portion thereof, for the gathering together of 50 or more persons for purposes such as civic, social or religious functions, recreation, education or instruction (See Division 2.1 and 3), food or drink consumption, or awaiting transportation. Assembly occupancies may include the following:

Division 1 - A building or portion of a building having an assembly room with an occupant load of 1,000 or more and a legitimate stage.

Division 2 - A building or portion of a building having an assembly room with an occupant load of less that 1,000 and a legitimate stage.

Division 2.1 - A building or portion of a building having an assembly room with an occupant load of 300 or more without a legitimate stage, including such buildings used for educational purposes and not classed as a Group B or E Occupancy.

Division 3 - A building or portion of a building having an assembly room with an occupant load of less than 300 without a legitimate stage, including such buildings used for educational purposes and not classed as a Group B or E Occupancy.

Division 4 - Stadiums, reviewing stands, and amusements park structures not included within other Group A Occupancies.

Group B (Business) Occupancy

Group B Occupancies shall include buildings, structures, or portions thereof for office, professional, or service type transactions. This occupancy includes educational occupancies above the 12th grade.

Group E (Educational) Occupancy

Division 1 (EI) - Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2 (E2) - Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3 (E3) - Any building or portion thereof used for day-care purposes for more than six persons.

Group F (Factory/Industrial) Occupancy

Group F Occupancies shall include the use of a building or structure for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations.

Group H (Hazardous) Occupancy

Group H Occupancies include buildings or structures that involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion, or health hazard.

Group I (Institutional) Occupancy

Group I Occupancies include nurseries for the full time care of children, health care centers, nursing homes, mental hospitals, mental sanitariums, jails, prisons, and reformatories.

Group M (Mercantile) Occupancy

Group M Occupancies include structures used for the display and sale of merchandise.

Group R (Residential) Occupancy

Group R Occupancies include hotels, apartments, dwellings, and lodging houses.

Group S (Storage) Occupancy

Group S Occupancies include the use of a building or structure for storage not classified as hazardous, open parking garages, repair garages, and aircraft hangers.

Group U (Miscellaneous) Occupancy

Group U Occupancies include private garages, carports, sheds, agricultural buildings, fences over 6 feet high, tanks, and towers.

City of Phoenix

MAJOR DIFFERENCES BETWEEN EDUCATIONAL (E), ASSEMBLY (A), AND BUSINESS (B) OCCUPANCIES

- El Occupancy requires fire sprinkler systems with some exceptions (904.2.4.1). Some A and B occupancy types do not require fire sprinkler systems (904.2).
- E Occupancies require fire alarms for occupancy loads over 50 persons. Some A and B occupancies do not require fire alarms.
- Panic hardware must be installed on doors in E Occupancies with an occupancy load of 50 or more (I 007.3.1 0). There are some exceptions for panic hardware in A occupancies (1007.2.5). B Occupancies don't have this requirement.
- E Occupancies have special exiting requirements not found in A or B Occupancies (1007.3).
- Number of plumbing fixtures required are greater in E Occupancies than A or B (2905).
- E and A Occupancies must front directly on a public street or an exit discharge of not less that 20 feet in width. B Occupancies do not have this requirement.

City of Phoenix

CERTIFICATE OF OCCUPANCY REQUIREMENTS

Certificate of Occupancy

Occupancy and use of any building or property requires completion of construction and compliance with all applicable City ordinances and codes listed below.

Subdivision Ordinance - requirements based on the legal subdividing of land; recording of the approved final plat or lot split as well as the completion of any onsite and/or offsite facilities (water, sewer, street paving, driveways, landscaping, street lights, etc.).

Grading and Drainage Ordinance - requirements based on approved grading practices stated in Chapter 32 of the City of Phoenix Code.

Water Main Extensions - requires extension of waterlines (Section 37-32 of City Code).

Sewer Main Extensions - requires extension of sewer lines (Section 28-23 of City Code).

Off-site Improvements - requires street dedication and paving (Section 31-91 of City Code).

Zoning Ordinance - requirements based upon zoning district requirements and performance standards including relevant zoning stipulations, use permit conditions, variance conditions, and development review guidelines. Generally, this means completion of all items shown on an approved site plan, including building design elements, landscaping, parking lot layout, exterior lighting, walkways, and fences or screen walls, etc.

Fire Code - requires emergency access such as marked fire lanes; provision of fire-fighting water supplies by fire hydrants and/or automatic fire sprinkler systems; fire detection and alarm systems; and special requirements for the storage, use, or handling of flammable, combustible, or hazardous materials or processes.

Construction Code - Minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials:

> Building Code - location, use, and occupancy of each building or structure; structural integrity; life-safety systems including exits, emergency lighting, and smoke control systems; fire-safety systems including fire-resistive construction, fire alarm systems and fire sprinkler systems; light, air, and ventilation requirements; accessibility for persons with disabilities; and weather-resistive components such as exterior walls and roofing.
>
> Mechanical Code - type, location, and operation of heating, ventilating, and cooling systems; refrigeration systems; incinerators; and other miscellaneous heat producing appliances.
>
> Plumbing - installation and operation of water, sewer, and fuel gas piping systems, fixtures and appliances.
>
> Electrical Code - installation of electric wiring and equipment within or on premises, buildings or other structures.

City of Phoenix

PROFESSIONAL ORGANIZATIONS

American Institute of Architects
802 North Fifth Avenue
Phoenix, AZ 85003
(602) 252-4200
(602) 252-8163 (fax)

American Society of Mechanical Engineers
Arizona Section
10801 North 37th Drive
Phoenix, AZ 85029
(602) 393-3678
(602) 393-2016 (fax)
bbolf@apsc.com

American Society of Professional Engineers
7027 North 19th Avenue, Suite 7
Phoenix, AZ 85021
(602) 995-2187
(602) 995-2218 (fax)
aspe@primenet.com

Associated General Contractors
1825 West Adams
Phoenix, AZ 85007
(602) 252-3926
(602) 252-5870 (fax)
dmartin@azagc.org

National Electrical Contractor Association
4315 North 12th Street
Phoenix, AZ 85013
(602) 262-0111
(602) 263-0447 (fax)

Structural Engineers Association of Arizona
P.O. Box 18078
Fountain Hills, AZ 85269
(602) 816-4797
(602) 816-4899 (fax)
seaoa@primenet.com
www.primenct.com/~sceoa

American Society of Civil Engineers
3400 Sky Harbor
Phoenix, AZ 85034
(602) 273-4096
(602) 273-2781 (fax)

American Society of Plumbing Engineers
Phoenix Chapter
P.O. Box 11800
Phoenix, AZ 85061
(602) 943-8424
(602) 943-7931
aspe-phx@dancris.com

Arizona Consulting Engineers Association
7207 North 19th Avenue, Suite 7
Phoenix, AZ 85021-7977
(800) 982-5986
(602) 995-2218 (fax)
offices@acea.org

Independent Electrical Contractors Association of Arizona
5060 North 19th Avenue
Phoenix, AZ 85015
(602) 336-1948
(602) 246-2330 (fax)

Plumbing, Heating, Cooling Contractors Association
7635 West Hope Drive
Phoenix, AZ 85345
(602) 486-3324
(602) 486-0611 (fax)

City of Phoenix

GROUP E (EDUCATIONAL) OCCUPANCY
Overview of Technical Requirements

This handout outlines some important items to consider if you must change to one of the E (Educational) Occupancies. Buildings that have been constructed under a different occupancy type may require alterations to comply with E Occupancy conditions. It is recommended that you hire a design professional to determine if alterations are necessary. A registered architect or engineer must seal building plans within their discipline submitted to the Development Services Department for review.

The code requirements were developed to ensure the health and safety of the citizens of Phoenix and compliance is mandatory. However, the Development Services Department recognizes that each project has its own unique constraints and needs. Our goal is to adjust our process to meet your needs. For more information on how to change your occupancy type, please call the Development Services Department Director's Office at 602-262-6901.

Definition of Group E (Educational) Occupancies:

Division 1 (E1) - Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2 (E2) - Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3 (E3) - Any building or portion thereof used for day-care purposes for more than six persons.

Special Building Code Requirements per 1997 UBC:

In order to obtain a Group E occupancy, buildings must comply with, but are not limited to, the following requirements:

Structure/Construction

- Buildings or part of buildings classed in Group E shall be limited to the types of construction set forth in the 1997 UBC, Table 5-B, and shall not exceed, in area or height, the limits specified in 1997 UBC, sections 504, 505, and 506. (See UBC, section 305.2.1)
- For fire-resistive protection of exterior walls and openings, see I997 UBC section 503 and Chapter 6.

Exiting Requirements

- Group E Occupancies have special exiting requirements. (See 1997 UBC, section 1007.3.)

Accessibility

- The I997 UBC, Appendix Chapter 11, Division II, Section 1113 states that in the event of a change of occupancy, buildings must comply with the accessibility requirements in 1997 UBC, Chapter 11. The City of Phoenix enforces all accessibility requirements in 1997 UBC, Arizonans with Disabilities Act Guidelines (AzDAG), or American National Standard Institute (ANSI), whichever is more restrictive.

Room Location

- Rooms in Division 1 and 2 occupancies used for kindergarten, first or second grade pupils, and Division 3 occupancies shall not be located above or below the first story. (See 1997 UBC, section 305.2.3 for exceptions.)

Occupancy Separation Requirements

- Laboratories, vocational shops, and similar areas containing hazardous materials shall be separated from each other and from other portions of the building by not less than a one-hour fire-resistive occupancy separation. (See UBC 1997, section 305.2.4.)

Location on Property

- All buildings housing Group E Occupancies shall front directly on a public street or an exit discharge of not less than 20 feet in width. (See 1997 UBC, section 305.3)

Light and Ventilation

- All portions of portions of Group E Occupancies occupied by human beings shall be provided with light and ventilation, either natural or artificial, as specified in 1997 UBC, Chapter 12. See section 1003.2.9 for required means of emergency fighting.

Bathrooms and Drinking Fountains

- The number of water closets, urinals, and drinking fountains required is specified in 1997 UBC, section 2902.4. They must meet accessibility requirements outlined in 1997 UBC, section 1105.

Fire Alarm

- An approved fire alarm system shall be provided for Group E Occupancies with an occupant load of 50 or more persons. (See 1997 UBC, section 305.9) *Submitted to and inspected by the State Fire Marshal.*

Fire Sprinkler

- Automatic fire sprinkler system is required in Group E, Division 1 Occupancies, with some exceptions. (See I997 UBC, section 904.2.4.1) *Submitted to and inspected by the State Fire Marshal.*

Zoning Approval

All development requires compliance with the City of Phoenix Zoning Ordinance. The extent of the review will vary depending on the nature of the improvements. Once the extent of the building improvements is known, contact the Development Services Department Director's Office at 602-262-6901 to determine if there are any site review requirements. Use permits and/or variances may be necessary in some zoning districts.

Schools are not allowed in the following zoning districts:

R-O	- Residential Office
PSC	- Planned Shopping Center
CP, Ind. Pk	- Commerce & Industrial Park
RH	- Resort
P.A.D.	- Planned Area Development (residential)

Contact the Planning Department at 602-262-7131 or visit the Zoning counter on the 2nd floor of City Hall, 200 W. Washington, for more information.

City of Phoenix

PROCESS FOR CHANGING TO AN E (EDUCATION) OCCUPANCY

The process for obtaining an E Occupancy will vary depending upon the characteristics of each building. Some buildings may currently be in compliance with E Occupancy requirements and the review and inspection process will be minimal. Those with challenges will have more extensive process requirements. Attached is an overview of the requirements to obtain any Certificate of Occupancy. The following are the suggested process steps for charter schools to obtain a change of occupancy.

1. Contact the Development Services Department Director's Office at 602-262-6901. If needed a project manager will assist you through the process. The complexity of your project will determine the process you will follow.
2. It is recommended that you hire a design professional to determine what alterations must be done to your building to upgrade to an E Occupancy. The alterations required will determine what plans will have to be submitted for review. The following is a list of the type of information that will be required for most change of occupancy reviews. Additional drawings or information may be required depending on the complexity of the project.
    - Project Description
    - Project Location
    - Owner/Applicant/Contractor Information
    - Site Plan
    - Floor Plan
    - Plumbing/Mechanical Plans (Sealed by a registered mechanical engineer)
    - Electrical Plans (Sealed by a licensed Electrical Engineer or provide contractors name and license)
    - Structural Plans (Sealed by a registered architect or structural engineer)
    - Detail Drawings (Sealed by a registered architect or structural engineer)
3. If it has been determined that your project must have site approval, you will submit eight copies of your site plan (checklist attached) to the Development Services Department, 200 W. Washington, 2nd floor. After site approval, you will submit two full sets of building plans to the Development Services Department, 200 W. Washington, 2nd floor for building approval. Plan review fees are based on the City of Phoenix Fee Schedule and are paid at the time of log-in.
4. Your project will be reviewed according to the process that has been determined best for your conditions. After the plans have been reviewed and approved, a permit fee is paid at the time of permit issuance. As required by ARS 15-189.01A, reviews for charter schools must take no longer than 30 days.
5. A licensed contractor(s) must complete the work required and call for inspections. The State Fire Marshal must approve all fire safety requirements in charter schools. After inspectors have approved all of the required alterations, a Certificate of Occupancy (requirements attached) will be issued.

Over the Counter
Minor Site Plan Review

City of Phoenix
Development Services Department

Submittal Requirements

Plans should indicate development to be permitted within two (2) years of site plan approval. The applicant is responsible for providing the following information to the Development Services Department Site Planning Division, 200 West Washington Street, 2nd Floor, Station 6, Phoenix, Arizona 85003. For additional information, please call (602) 495-0302.

[ ] **PRELIMINARY SITE PLAN:** (Submit 8 folded and stapled copies to Station 6) **Fee:** ____________

[X] Site Plans will need to be sealed by a registered Architect/Engineer to be included with Building Plan submittal.

General Information:

- [X] Name, address, telephone, fax number of owner and design professional preparing site plan.
- [X] Scale (engineering scales required; 1" = 40'-0" minimum).
- [X] Vicinity map, North arrow.
- [X] Provide 5" x 5" space in lower right corner of sheet for approval stamps.
- [X] Existing and proposed building footprint(s) and uses.
- [X] Show and dimension the following:
  - [X] Parcel/Lot Dimensions. (Tie to street monument).
  - [X] Building(s) to property lines and between buildings.
  - [X] All existing and proposed rights-of-way, streets/alleys and easements.*
  - [X] Existing and proposed rights-of-way improvements (curb type/gutter/sidewalk).*
  - * (Dimension from centerline of street to face of curb and property line).
  - [X] Driveway locations and widths.
  - [X] Traffic visibility triangles 10' X 20' (driveways), 33' X 33' (intersections).
- [X] Show significant natural features (rock formations/washes/vegetation).
- [X] Show proposed walls, retaining walls, fences, berming, retention areas.
- [X] Show proposed 6" safety curbing and surface materials (asphalt/decomposed granite, etc.).
- [X] Show onsite/offsite locations of fire hydrants as used for fire protection of the project (350' spacing).
- [X] Show fire lanes (minimum 40' radius for turning movement/14' vertical clearance, 16' minimum width).
- [X] Accessibility routes to/from building entrances/exits, public sidewalks, bus stops, and parking areas.

Development Summary: Show:

- [X] Existing Zoning.
- [X] Acreage: Gross and Net.
- (X) Building Square Footage (each building).
- [X] Lot Coverage (based on net site area).
- [X] Legal Description.
- [ ] Number of Residential Units.
- [ ] Density.
- [ ] Zoning Adjustment Case Numbers (if applicable).

Structures: Show:

- [X] Proposed building entrances.
- [X] Proposed building overhangs/canopies.
- [X] Proposed building/structure heights (stories/feet).
- [X] Location of service areas.

Site Features: Show:

- [X] Location and height of lighting (note if N/A).
- [X] Above grade utility cabinets and plumbing.
- [X] Location and size of refuse areas/enclosures.

Circulation/Parking: Show:

- [X] Existing and proposed parking (show calculations).
- [X] Number of parking spaces provided/required.
- i X] Dimensions of typical parking stalls (length/width), accessible stalls, maneuvering areas, and parking islands.
- [ ] Typical angle of proposed parking if less than 90 degrees.
- [ ] Location and size of loading docks.

Grading and Drainage Concepts: Show:

- [X] Existing grades on adjacent properties/top of curb to relate proposed finished floors to adjacent property.

CHARTER SCHOOLS & ZONING APPROVAL
PIMA COUNTY

For zoning information in Pima County, contact:

Pima County Development Services Center
Zoning Enforcement
201 N. Stone Ave., 1st Floor
Tucson, AZ 85701-1207

(520) 740-6740

See specifically:

General Definitions
Chapter 18.03, Section 18.03.020 of the Pima County Zoning Code
Definitions for charter, parochial, and private schools.

General Residential and Rural Zoning Provisions
Chapter 18.09, Section 18.09.020
For regulating charter, parochial and private schools.

Multiple Use
Chapter 18.37
Adding charter schools as a permitted use.

Local Business Zone
Chapter 18.43, CB-1
Adding charter schools as a permitted use.

General Business Zone
Chapter 18.43, CB-2
Adding charter schools as a permitted use.

County Manufactured and Mobile Home-1 Zone
Chapter 18.33, CMH-1
Deleting prohibitions against public schools.

County Manufactured and Mobile Home-2 Zone
Chapter 18.35, CMH-2
Deleting prohibitions against public schools.

28-3228. School bus drivers; requirements; rules; cancellation

A. A person shall not operate a **school bus** transporting **school** children unless the person possesses the appropriate license class for the size of **school bus** being operated that is issued by the department of transportation, a **bus** endorsement that is issued by the department of transportation and a **school bus** certificate that is issued by the department of public safety.

B. To be certified as a **school bus** driver a person shall do both of the following:

1. Meet and maintain the minimum standards prescribed by this section and rules adopted by the department of administration in consultation with the department of public safety and with the **school bus** advisory council established by section 28-3053.

2. Complete an initial instructional course on **school bus** driver safety and training including behind the wheel training.

C. The department of administration in consultation with the department of public safety and with the **school bus** advisory council established by section 28-3053 shall adopt rules that establish minimum standards for the certification of **school bus** drivers. In cooperation with local **school** districts, the department of public safety shall provide for **school bus** driver safety and training courses. The standards established shall:

1. Include requirements concerning moral character, knowledge of **school bus** operation, pupil and motor vehicle safety, physical impairments that might affect the applicant's ability to safely operate a **school bus** or that might endanger the health or safety of **school bus** passengers, knowledge of first aid, establishment of **school bus** safety and training courses, a refresher course to be completed on at least a biennial basis and other matters as the department of administration in consultation with the department of public safety and the **school bus** advisory council established by section 28-3053 prescribes for the protection of the public.

2. Require tests to detect the presence of alcohol or the use of a drug in violation of title 13, chapter 34 that may adversely affect the ability of the applicant to safely operate a **school bus**.

3. Authorize the performance of hearing tests with or without the use of a hearing aid as provided in 49 Code of Federal Regulations section 391.41.

D. The department of public safety shall require applicants to furnish fingerprints and shall obtain criminal history record information pursuant to section 41-1750. For the purposes of this subsection, the applicant shall pay a fee to the department of public safety to reimburse the department of public safety for the cost of obtaining the applicant's criminal history record information required by this subsection. The fee shall not exceed the actual cost of obtaining the applicant's criminal history record information.

E. The department of public safety shall issue a **school bus** driver certificate to an applicant who meets the requirements of this section. The certificate is valid if the applicant maintains the minimum standards established by this section.

F. The department of public safety may cancel the certificate if the person's license to drive is suspended, canceled, revoked or disqualified. The department of public safety shall cancel the certificate if the person fails to maintain the minimum standards established pursuant to this section. A person whose application for a certificate is refused or whose certificate is canceled for failure to meet or maintain the minimum standards may request and receive a hearing from the department of public safety.

G. The department of public safety shall enforce the rules adopted pursuant to this section.

ARIZONA DEPARTMENT OF PUBLIC SAFETY
"Courteous Vigilance"

ARIZONA DEPARTMENT OF PUBLIC SAFETY
Student Transportation Unit
2102 W Encanto Blvd
Phoenix, Arizona 85005

Metro Phoenix: (602)223-2646

SCHOOL BUS DRIVER'S CERTIFICATE

Fee

$ 24 - Fingerprint Fee

Eligibility

1. Must have an Arizona Commercial Drivers License Class A, B, or C with a passenger ("P") endorsement.
2. Application for School Bus Driver's Certificate
3. Must have a physical examination (including drug test).
4. Must have a Certificate of Driver Training and Road Test.
5. Must submit a Fingerprint card.
6. Must have a School Bus Driver Training Report (both new driver, First Aid, and CPR).

(School districts may submit the application, fingerprint card and fee for processing prior to forwarding the remainder of the required documents.)

Page created: 18 Apr 96. Last updated:

SECTION 9

RESOURCES TO BE ORDERED

RESOURCES TO BE ORDERED

There are many resources that can be ordered to assist applicants. If you have questions regarding any of these resources, please contact the person listed on the order form.

- To order a current copy of *West's Education Code,* contact West Publishing Corporation at 1-800-328-9352.

The following order forms and/or information on how to request the information are included in this section:

- How to Order and Pay for the *Arizona Administrative Code.*
- How to Order and Pay for the USFRCS (Uniform System of Financial Records for Charter Schools) Manual
- How to Order and Pay for Article 10, School District Procurement Rules
- How to Order the School District Records Management Manual
- How to become eligible to purchase items from the Federal and State Surplus Property Program
- How to Order and Pay for the Charter Schools Handbook
- How to Order and Pay for Academic Standards and Arizona's Instrument to Measure Success (AIMS) Publications

SECRETARY OF STATE

MESSAGE

The Office of the Secretary of State is pleased to present the *Arizona Administrative Code*.

Arizona has grown tremendously in recent years. With this growth the number of state agencies, boards, commissions, departments and appointed officials has also increased along with the rules adopted by them.

In 1972, the Legislature enacted Laws 1972, Ch. 35, § 1 providing for a single publication of all administrative rules. The Office of the Secretary of State completed the codification of the rules in 1975 and published the multi-volume *Official Compilation of Administrative Rules and Regulations*. In January 1987 the title of the compilation was statutorily changed to its current title -- the *Arizona Administrative Code*. The Office publishes at least four supplements each year in order to keep the *Code* current. The *Code* may be purchased as a complete set or by individual Title or Chapter.

Along with the *Code*, in 1976 the Office began publishing the *Arizona Administrative Digest*, a monthly publication which contains notices of rulemaking activity in Arizona as well as the Governor's Executive Orders and proclamations of general applicability, summaries of the Attorney General's opinions, and the Governor's appointments of both state officials and members of the state's boards and commissions. Beginning January 1, 1987, the title of this publication was statutorily changed to the *Arizona Administrative Register*.

The rulemaking process in Arizona is governed by the Administrative Procedure Act. A copy of this Act, the Arizona Open Meeting Law, and other informational items are included in Title 1 of the *Code*.

For additional information about either the *Code* or the *Register*, including pricing information, please call (602) 542-4086 or write the Office at the following address:

Secretary of State
Publications, Notary, Charitable Solicitation & Telemarketing Division
1700 West Washington, 7th Floor
Phoenix, Arizona 85007-2808
542-5057

PROCUREMENT

To be eligible to purchase supplies and equipment from the State Procurement Office, charter schools need to do the following:

- Call or write to State Procurement Office, 15 S. 15th Avenue, Suite 103, Phoenix, AZ 85007, Phone (602) 542-5511, for the form the charter school needs to fill out to be approved for a state cooperative purchase agreement. A copy of the charter school's by-laws is required to show non-profit organization status.

- When the charter school is approved by the State Procurement Office, the charter school pays the required fee for a microfiche packet which lists everything that is available for purchase from the state. The fee is for a full year or, if the charter school joins in the middle of the year, the fee is prorated for the remainder of the year. Once the charter school is on the approved list it is invoiced at the end of each fiscal year to continue with the agreement.

Charter schools are considered a political subdivision of the State of Arizona by the State Procurement Office.

HOW TO ORDER AND PAY FOR
ARTICLE 10
SCHOOL DISTRICT PROCUREMENT RULES

School district procurement rules are included in the Arizona Administrative Code which is published by the Office of the Secretary of State. A copy can be obtained from:

Office of the Secretary of State
Attention: Publications
1700 West Washington, 1st Floor
Phoenix, Arizona 85007-2808
Publications Phone: (602) 542-4086

Note: Please reference the Uniform Systems of Financial Records for Arizona Charter Schools (USFRCS) Section VI-G, for the most current information.

If you have questions on these rules contact:

Administrative Services Officer
Strategic Planning and Budgeting Unit
Arizona Department of Education
1535 West Jefferson Street
Phoenix, Arizona 85007
Phone: (602) 542-8237

HOW TO ORDER
THE SCHOOL DISTRICT RECORDS MANAGEMENT MANUAL

The School Districts Records Management Manual can be ordered, free-of-charge, from:

Records Management Division
Department of Library, Archives, and Public Records
1919 West Jefferson Street
Phoenix, Arizona 85009
Phone: (602) 542-3741

FEDERAL AND STATE SURPLUS PROPERTY PROGRAM

If you are interested in getting information about this program, here are the federal and state contacts:

Federal:

Main Office:
Office of Property Disposal (PR)
U.S. General Services Administration
Washington, DC 20405

phone: (202) 501-0084
e-mail: property.disposal@gsa.gov

Office serving Arizona:
Property Disposal (7PR)
U.S. General Services Administration
Ft. Worth, TX 76102

phone: (817) 334-2331
or: (800) 833-4317

Federal and State:

In Arizona:
Sammy Rabino
Eligibility & Compliance Officer
Federal Surplus Property Donation Program
Surplus Property Management Office
Arizona Department of Administration
1537 W. Jackson Street
Phoenix, AZ 85007

phone: (602) 542-5701
fax: (602) 379-4929
e-mail: srabino@sss.ad.state.az.us

State of Arizona
Department of Education

Lisa Graham Keegan
Superintendent of
Public Instruction

HOW TO ORDER AND PAY FOR THE USFRCS MANUAL

Name: ______________________________

Organization/Charter School: ______________________________

Address: ______________________________

City: ____________ State: ________ Zip: ________

Phone: ____________ Fax: ____________

USFRCS MANUAL:

The USFRCS MANUAL includes a 3-ring binder, tabs, and the complete set of new USFRs for Arizona Charter Schools. **Prices are subject to change; call for current pricing.**

		Quantity	Price
Manual w/Memorandums:	$27.30 each	______	________
Set of Memorandums only:	4.35 each	______	________
Shipping and Handling:	4.50 each	______	________
		Total Enclosed:	________

(Payment must accompany order.)

Make checks payable to: ADE/Central Distribution Services.

Please send your order to:

Arizona Department of Education
Central Distribution Services
1535 W. Jefferson St.
Phoenix, AZ 85007

The USFRCS Manual is also available as an "on-line" manual on computer disk using Windows 3.1 or Windows 95. To request a complimentary copy of the software, contact the Accounting Services Division at the Auditor General's Office, (602) 553-0333.

Thank you for your order.

Rev. 12-99

State of Arizona
Department of Education

Lisa Graham Keegan
Superintendent of
Public Instruction

HOW TO ORDER AND PAY FOR THE CHARTER SCHOOLS HANDBOOK

A Resource Book for Charter School Applicants

Name: ____________________

Organization: ____________________

Address: ____________________

City: ____________ State: ____________ Zip: ____________

Phone: ____________ Fax: ____________

CHARTER SCHOOL HANDBOOK
Please call Central Distribution at 602-542-3088 for current pricing.

Quantity ordered: ________

Total cost of Handbooks ________

Shipping ________

TOTAL ENCLOSED ________

(Payment must accompany order.)

Make checks payable to: ADE/Central Distribution Services.

Please send your check and this order form to:
Arizona Department of Education
Central Distribution Services
1535 W. Jefferson St.
Phoenix, AZ 85007

Thank you for your order.

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State of Arizona
Department of Education

ACADEMIC STANDARDS AND AIMS (ARIZONA'S INSTRUMENT TO MEASURE SUCCESS)

PUBLICATIONS ORDER FORM

Academic Standards and Accountability Division

Thank you for requesting our publications. We must charge you for our printing cost and postage/handling, as indicated below. Our web site address is http://www.ade.state.az.us.

QUANTITY	ITEM	PRINTING COST
	Academic Standards	
______	The Arts	$3.77
______	Comprehensive Health	$1.13
______	Foreign Language	$.63
______	Language Arts	$1.37
______	Mathematics	$1.91
______	Science	$1.75
______	Social Studies Draft	$1.46
______	Technology	$.48
______	Workplace Skills	$1.13
______	Functional Level	$1.65
______	**Academic Standards Set*** *includes 1 copy of each content areas listed above	$15.28
______	Parent/Community Booklet (English)	$.91
______	Parent/Community Booklet (Spanish)	$1.04
______	Social Studies Essential Skills	$4.74
______	A Guide to AIMS	$1.10
______	A High School Student Guide to AIMS	$1.00
______	8th Grade Student Guide for AIMS	Call for printing and postage quote.

POSTAGE/HANDLING

$3.50 for 1-10 copies of Academic Standards.

$4.00 for 1 set of Academic Standards.

$3.50 for 1 copy of parent/community booklet;
$4.00 for 2-10 copies of parent/community booklet.

$4.00 for 1-11 copies of Essential Skills book.

For orders exceeding this number of copies, please contact Jill Stephens at (602) 542-3088 for a postage quote. Out-of-country orders must be paid in U.S. currency.

Please complete order form and mail to Jill Stephens, Arizona Department of Education, Central Distribution Services, 1535 West Jefferson Street, Phoenix, AZ 85007. **Make your check payable to the Arizona Department of Education. Purchase orders are also accepted.**

Enclosed is $______________ for printing costs and $______________ for postage/handling.

NAME: ______________________________

ADDRESS: ______________________________

CITY & STATE: ______________________________

ZIP CODE: ______________________________

PHONE: (________)______________________________

Rev. 12-99

SECTION 10

CHARTER SCHOOL CONTRACTS

CHARTER SCHOOL CONTRACTS

The State Board for Charter Schools and the State Board of Education have separate contracts for schools which they have chartered.

This section includes:

- Sample State Board for Charter Schools Contract
- Sample State Board of Education Contract
- State Board of Education and State Board for Charter Schools Contract Amendment and Notification of Change Procedures
- State Board for Charter Schools Contract Amendment and Notification of Change Forms
- State Board of Education Contract Amendment and Notification of Change Forms

Questions about the contract, application process, and application deadlines should be directed to the appropriate board office. Questions about payments to schools and training for existing charter schools should be directed to the Charter Schools Administration Office.

State Board of Education, Charter Schools Division
Bonnie Barclay,
Director
(602) 542-5870
fax (602) 542-3590

State Board for Charter Schools
Cassandra Larsen,
Executive Director
(602) 468-6369
fax (602) 468-1682

Charter Schools Administration/Liaison
Lyle Skillen,
Director
(602) 542-8264
fax (602) 542-3590

Sample

Charter Contract
Between
Arizona State Board for Charter Schools
And
____

1. **Parties:** The Arizona State Board for Charter Schools is authorized, pursuant to Arizona Revised Statutes ("A.R.S.") Title 15, Chapter 1, Article 8, to execute a Charter Contract authorizing the establishment of charter schools that will provide a learning environment to improve pupil achievement and to provide additional academic choices for parents and pupils.

A. This Charter Contract is entered into between __________ a __________ (public or private corporation or a limited liability company ("Operating Entity") and the Arizona State Board for Charter Schools for the purpose of establishing a charter school to be known as __________ School.

1. This Charter Contract is entered into between ____________ (name of person or persons) (Operating Entity) and the Arizona State Board for Charter Schools for the purpose of establishing a charter school to be known as ____________ School.

B. The person authorized to sign on behalf of the Arizona State Board for Charter Schools is the President or President's Designee of the Arizona State Board for Charter Schools.

C. The person authorized to sign on behalf of the Operating Entity is ______________________, Title____("Entity Representative").

D. The Entity Representative affirms as a condition of this Charter Contract, that he/she is the above described representative of the Operating Entity and has authority to sign this Charter Contract on behalf of the Operating Entity.

E. Attached hereto as Attachment ________, and incorporated herein by reference, is a copy of a resolution of the board of directors of a corporate entity, or a written agreement by the members or managers of a limited liability company or signed authorizing the individual listed above to sign documents, including this Charter Contract, or a written agreement of the individual persons listed in paragraph 1 A, on behalf of the Operating Entity.

F. The Entity Representative affirms that on behalf of the Operating Entity, as a condition of this Charter Contract, that the Operating Entity was duly formed according to the laws of ___________. Attached as Attachment _______ and incorporated herein by reference is proof of the Operating Entity's legal formation.

G. If the Operating Entity is a limited liability company, also attached as Attachment ______ is the operating agreement, if any.

H. The Entity Representative further affirms that the Operating Entity is, and will remain, in good standing with the applicable regulatory body (e.g., for an Arizona Corporation, the Arizona Corporation Commission).

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I. Attached is Attachment ______, a true and correct copy of the Application of the Operating Entity which was relied upon by the Arizona State Board for Charter Schools in granting this Charter Contract.

2. **Purpose:** The Operating Entity shall provide educational services according to the educational standards established by law, the Charter Contract and the Application, which is Attachment ____; shall measure pupil progress toward the pupil outcomes adopted by the Arizona State Board of Education; and shall participate in the state assessment tests and the nationally standardized norm-referenced achievement tests designated by the Arizona State Board of Education.

3. **Operation of the School:**

A. Neither party to this Charter Contract is the employee or agent of the other party.

B. Any change in the ownership of the Operating Entity, or change in the name of the Operating Entity, change in the Entity Representative, or change in membership of the board of directors of a corporate entity or the member (s) or manager(s) of a limited liability company or manager of the Operating Entity, require an amendment to the Charter Contract be approved following the process outlined in Paragraph 9.

C. No right or interest in this Charter Contract shall be assigned by anyone on behalf of the Operating Entity without any prior written approval of the Arizona State Board for Charter Schools and delegation of any contractual duty of the Operating Entity shall not be made without any prior written approval of the Arizona State Board for Charter Schools.

4. **Applicable Law:** This Charter Contract shall be interpreted pursuant to the laws of the State of Arizona.

5. **Sites:**

A. The School shall provide it's educational services at the following location(s):

(Name of School)
(Site Contact Person)
(Address)
(City, State, Zip)
(phone)

B. The Operating Entity shall maintain either ownership of, a lease for, or other suitable agreement covering the use of all facilities, and shall ensure that the facilities comply with all appropriate state and local health and safety standards and other applicable laws, regulations and rules.

6. **Term of Charter Contract pursuant to law (currently A.R.S. § 15-183 I)**

A. An approved plan to establish a charter school is effective for fifteen (15) years from the first day of operation of the charter school. For purposes of this Charter Contract the first day of operation of the School shall be deemed to be the date the Charter Contract has been signed by both parties.

Sample

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7. **Non-Availability of Funds:** Every payment obligation of the State of Arizona, under this Charter Contract, is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Charter Contract, this Charter Contract may be terminated by the Arizona State Board for Charter Schools at the end of the period for which funds are available. No liability shall accrue to the Arizona State Board for Charter Schools, nor the State of Arizona, nor any of its subdivisions, departments or divisions in the event this provision is exercised, neither the State of Arizona or Arizona State Board for Charter Schools, shall be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

8. **Charter Contract Interpretation:**

   A. Merger: The Operating Entity and the Arizona State Board for Charter Schools intend this Charter Contract, including all of the attachments, to represent a final and complete expression of their agreement; except that the parties recognize that amendments to the Charter Contract may be approved from time to time hereafter. No course of prior dealings between the parties shall supplement or explain any terms used in this document.

   B. Waiver: Either party's failure to insist on strict performance of any term or condition of the Charter Contract shall not constitute a waiver of that term or condition, even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

   C. Severability: The provisions of this Charter Contract are severable. Any term or conditioned deemed illegal or invalid shall not affect any other term or condition of the Charter Contract.

9. **Amendments Requiring Board Approval:**

   A. Pursuant to laws (currently A.R.S. §15-183 (G),) any amendment to the Charter Contract will be effective only if approved in writing by the Operating Entity at a public meeting. If the Operating Entity is a corporation an amendment must be accompanied by a resolution of the board of directors. If the Operating Entity is a limited liability company, an amendment must be accompanied by a written agreement of the majority of the members or managers. It must also be approved by the Arizona State Board for Charter Schools at a public meeting, unless exempted by paragraph 10 and signed by the Entity Representative and the Arizona State Board for Charter Schools.

   B. All amendments must be submitted pursuant to any procedures or rules formulated by the Arizona State Board for Charter Schools.

   C. Any Amendment to the Charter Contract not specifically listed in Paragraph Nine (9) or Ten (10) of the Charter Contract shall require the Arizona State Board for Charter Schools approval as listed herein.

Sample

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Sample

Provisions requiring prior approval through the amendment process include:

- Change in legal status of the Operating Entity, change in the corporate name of the Operating Entity, change in the ownership of the Operating Entity.
- Changes to School description/mission
- Changes in grade levels served
- Changes in the School calendar involving the number of days of instruction
- Changes in admission procedures
- Changes in Special Education procedures
- Changes in curriculum or instruction
- Changes in the method(s) used by the School to measure pupil progress
- USFRCS exception;
- Procurement exception

10. Amendments Requiring Notification of Changes:

A. Changes to the Charter Contract listed below do not require an amendment be made pursuant to Paragraph 9 and shall be accomplished through written notification. Amendments which can be accomplished through written notification become effective only when the notification is approved by the Operating Entity, Governing Body at a public meeting, and signed by both the President or the President's Designee of the Arizona State Board for Charter Schools and the Entity Representative.

B. The Operating Entity shall not implement action described by a notification of change until representatives of both parties sign the notification. The President of the Arizona State Board for Charter Schools or the President's Designee may require in his or her sole discretion that a notification be submitted to the Arizona State Board for Charter Schools for approval pursuant to paragraph 9.

Provisions requiring prior approval through the Notification process include:

- Name, address and phone number of Entity Representative contact as identified in the contract
- Changes in the names of additional persons authorized to act as an Entity Representative
- Changes in members of the board of directors of the corporate entity, or members or managers of a Limited Liability Company or manager of the Operating Entity
- Changes in School location(changes of site and/or adding sites)
- Change in the School name
- Changes in insurance coverage
- Change in the site contact person

11. Insurance:

A. Waiver of Rights: The Operating Entity and its insurers providing the required coverage's shall waive all rights of recovery against the State of Arizona and the Arizona State Board for Charter Schools and the Department of Education, their agents, officials, assignees and employees.

B. Verification: If requested, the Operating Entity shall provide the Arizona State Board for Charter Schools with copies of any or all of its insurance policies and/or endorsements.

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12. **Management and Administration:** Except as provided for by law (currently A.R.S. § 15, Chapter 1, Article 8) and this Charter Contract, the School and the Operating Entity are exempt from all Arizona statutes and rules relating to schools, governing boards and school districts to the extent permitted by law.

13. **The Operating Entity and the School:** Shall abide by all applicable federal, state and local laws, rules, regulations, and ordinances in effect at the time this Charter Contract is entered into and as subsequently amended.

14. **Authority of the Operating Entity and its Designated Governing Body:**

    A. Pursuant to law (currently A.R.S. §15-183 (E) (8).

        1. It may lease or purchase spaces from any government, public or private organization or person and shall be responsible for the policy and operational decisions of the School.

        2. It shall have oversight and administrative responsibilities for the School.

15. **Indemnification and Acknowledgements:** The Operating Entity shall defend, indemnify, and hold harmless the State of Arizona, the Arizona State Board for Charter Schools, its officers, directors, agents, employees from any all claims, demands, suits, actions, proceedings, loss, cost, and damages of every kind and description, including but not limited to attorneys' fees and/or litigation expenses which may be brought or made against or incurred by the State or the Arizona State Board for Charter Schools on account of any action of the Operating Entity, its employees, agents or assigns. The provisions or limits of insurance required under this contract shall not limit the liability of the Operating Entity.

    A. The parties acknowledge that neither the Arizona State Board for Charter Schools, nor the State of Arizona, nor its agencies, boards, commissions or division are liable for the debts or financial obligations of a charter school or persons or entities who operate charter schools.

    B. The parties acknowledge that, pursuant to law, the Arizona State Board for Charter Schools, its members, officers and employees are immune from personal liability for all acts done and actions taken in good faith within the scope of its authority during duly constituted regular and special meetings.

16. **Performance Indicators and Evaluation:** Applicable statutes (A.R.S. § 15-183 (E) (4) require that the Operating Entity shall distribute as to each school site, the following:

    A. An annual report card, in a format developed by the Arizona Department of Education.

    B. Outcome measures as directed by the Arizona State Board for Charter Schools.

Sample

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17. Financial Requirements:

A. Pursuant to Law (currently A.R.S. § 15-183 (E) (6)), the Operating Entity shall comply with the same financial requirements as a school district, including the Uniform System of Financial Records adopted by the Auditor General for charter schools, procurement rules and audit requirement, except for those requirements from which the School and the Operating Entity are specifically exempted by action of the Arizona State Board for Charter Schools.

B. The Operating Entity assumes responsibility for all costs associated with its School operations, including the cost of contracting for goods and services.

18. Technical Assistance Teams, Audits and Records:

A. The Operating Entity shall allow representatives from the Arizona State Board for Charter Schools, Arizona Department of Education and/or Arizona Auditor General to visit each school site at any time. The Operating Entity shall allow the representatives to conduct financial, program or compliance audits pursuant law (currently to A.R.S. § 15-183 (E) (6)).

B. At any time upon request by a designee of the Arizona State Board for Charter Schools, the Arizona Department of Education and/or the Arizona Auditor General, the Operating Entity shall hold open for inspection all records, all documents and files relating to any activity or program provided by the Operating Entity relating to the School or by the School.

C. The Operating Entity shall retain all documentation required by law to be maintained for any period prescribed by law, but not less than five (5) years following termination of this Charter Contract.

D. Even if not otherwise required, if prior to expiration or termination of the Charter Contract, litigation is filed or an audit is instituted against the School or the Operating Entity, the School, the Operating Entity and any successor shall retain all documentation that may pertain to the audit or litigation until the matter is finally resolved.

19. Length of School Year: The Operating Entity shall provide instruction for no less than the number of days required by statute or as stated in the Application whichever is greater.

20. Non-Renewal and Termination of the Charter Contract:
The Arizona State Board for Charter Schools may revoke and/or not renew the Charter Contract pursuant to the provisions established by law and rules, for any violation of the Charter Contract, State, Federal or local laws, ordinances or rules or regulations or for violation of the USFRCS; or for conditions which threaten the health, safety, or welfare of the students or staff of the School or of the general public.

21. Employees and Contractors: This Charter Contract is not an employment contract. No officer, employee, agent, or subcontractor of the Operating Entity or the School is an officer, employee, or agent of the Arizona State Board for Charter Schools or the State of Arizona.

Sample

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22. **Non-Discrimination:** The Operating Entity shall comply with State Executive Order No. 75-5 which mandates that all persons, regardless or race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable federal and state laws, rules and regulations, including the American with Disabilities Act and the Individuals with Disabilities Education Act. The Operating Entity shall take affirmative action to ensure that applicants for employment, employees and persons to whom it provides services are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

23. **Affidavit, Disclosure and Permission:** The Charter Contract fully incorporates Attachment _____, the Affidavit, Disclosure and Permission Granted Form.

24. **Notices:** Any notice required, or permitted, under the Charter Contract shall be in writing and shall be effective immediately upon personal delivery, or three (3) days after mailing when sent by certified mail, to the following:

For the Operating Entity :	For the Arizona State Board for Charter Schools
______________________	Executive Director Arizona State Board for Charter Schools 1535 W. Jefferson Street Phoenix, Arizona 85007
______________________	
______________________	

The Arizona State Board for Charter Schools may make changes in the address of its contact person upon notice thereof to the Operating Entity

Executed this _______day of ___________199__.
(For a corporate entity or a limited liability company)

____
Operating Entity

By ______________________

____
Title

(for an individual or individuals)

By______________________________
Who has been authorized by the parties designated in Paragraph 1A.

ARIZONA STATE BOARD FOR CHARTER SCHOOLS

Executed this _________day of _____

By____________________________________

______________ of the Arizona State Board for Charter Schools.

Sample

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Sample

CHARTER CONTRACT

BETWEEN

ARIZONA STATE BOARD OF EDUCATION

AND

(NAME OF CHARTER SCHOOL)

1. **Parties:** The Arizona State Board of Education ["Sponsor"] is authorized, pursuant to A.R.S. Title 15, Chapter 1, Article 8 to execute a contract authorizing the establishment of a charter school that will provide a learning environment to improve pupil achievement and to provide additional academic choices for parents and pupils.

The *(name of Charter School)* ["School"], is an Arizona *(Legal Status)*. *(name of Signatory)* is *(Title)* for *(name of Charter School)*. This contract fully incorporates Attachment 1, which contains documentation of the School's legal status. *(name of Signatory)* warrants that (he/she) has legal authority to enter into agreements on behalf of the School and bind the school to comply with this charter. _____ Initial Here

2. **Responsibilities to Operate the School:** Neither party to this contract is the employee or agent of the other party to the contract. Likewise, the School is solely responsible to ensure that it complies with all requirements of this charter, as well as state and federal law applicable to the operation of a charter school.

In its operation of the charter school, the School shall maintain the ownership and chief executive officer represented in Attachment ____. Any change requires an amendment to the contract following the process outlined in Paragraph 8. No right or interest in this contract shall be assigned by the School without prior written permission of the Sponsor, and no delegation of any duty of the School shall be made without prior written permission of the Sponsor.

______ Initial Here

3. **Purpose:** The purpose of this agreement is to establish the responsibilities of the parties to this contract. The School shall provide educational services according to the educational standards established in its application, which is Attachment _____, measure pupil progress toward the pupil outcomes adopted by the State Board of Education, and participate in the state assessment tests and the nationally standardized norm-referenced achievement tests designated by the State Board of Education. ______ Initial Here

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4. Applicable Law: The materials and services provided by the School under this contract shall comply with all applicable federal, state and local laws and shall conform, in all respects, with the educational standards contained in its application and contract. This contract shall be interpreted pursuant to the laws of the state of Arizona.

5. Facility: The School shall conduct its operations, including the delivery of instruction, at:

(Name)
(Address)
(City, State, Zip)
(Phone)
(Contact Person: if not the same as the governing authority)

Additional sites are listed in Attachment _____. The School may operate a maximum of ___ site during the first year of its charter. The School may operate a maximum of ___ site during the second year of its charter. The School may operate a maximum of ____ site during the third year of its charter. Before any new site is opened, the School shall provide verification that the requirements contained in the Contract Checklist have been met with respect to that site.

______ Initial Here

The school shall maintain either ownership of, a lease for, or an agreement covering all facilities; and shall ensure that the facilities comply with all state and local health and safety standards and contain the space and necessary configuration for the operation of a school.

6. Term of Contract: Pursuant to A.R.S. §15-183(I), an approved plan to establish a charter school is effective for fifteen years from the first day of operation of the charter school. For purposes of this agreement, the first day of operation of the charter school shall be deemed to be _________________, the date the agreement is signed by the School and the Sponsor.

At the conclusion of the first fourteen years of operation, the School may apply for renewal. The sponsor shall give written notice of its intent not to grant the charter school's request for renewal to the School at least twelve months before the expiration of the approved plan. The Sponsor may renew the charter for successive periods of fifteen years, if the Sponsor deems that the School complies with the charter and statutory requirements.

7. Non-Availability of Funds: Every payment obligation of the State of Arizona, under this contract, is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this contract, this contract may be terminated by the Sponsor at the end of the period for which funds are available. No liability shall accrue to the Sponsor in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

Sample

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8. Contract Interpretation:

A. Merger The School and the Sponsor intend this contract, including the attached application, to represent a final and complete expression of their agreement; except that the parties recognize that amendments to the contract may be approved from time to time hereafter. No course of prior dealings between the parties shall supplement or explain any terms used in this document.

B. Waiver Either party's failure to insist on strict performance of any term or condition of the contract shall not constitute a waiver of that term or condition, even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

C. Severability The provisions of this contract are severable. Any term or condition deemed illegal or invalid shall not affect any other term or condition of the contract.

D. Assignment Neither party may assign or transfer this contract unless authorized by law. No delegation of any duty of the School shall be made without prior written permission of the Sponsor.

9. Amendments: Pursuant to A.R.S. §15-183(G), the contract incorporates amendment(s) only when the amendment is approved by the School's governing body at a public meeting, is in writing, and is signed by both the School and the Sponsor. The amendment applies only for the specific purpose for which it is given. All amendments must be submitted pursuant to the procedures formulated by the Charter School Office and be approved and signed by both parties before the School can take action on or implement the changes requested in the amendment.

Elements requiring prior approval through the amendment process include:

- Changes in legal status; ownership; or management, including the structure of the governing board
- Changes to School description/mission
- Changes in maximum allowable student enrollment
- Changes in grade levels served
- School location (change of site and/or adding or deleting sites)
- Changes in the School calendar involving the number of days of instruction
- Changes in admission procedures
- Changes in Special Education procedures
- Changes in curriculum or methodology

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- Changes in the method(s) used to measure pupil progress
- Signing authority for the School or corporation

10. Notification of Changes: Any change to the charter contract that does not require an amendment pursuant to Paragraph 9 shall be accomplished through written notification. Changes to any provision(s) of the contract become effective only when the change is approved by the School's governing body at a public meeting, and the Executive Officer of the State Board of Education (or Designee) and the School sign the written notification of change. The School shall not implement action requested by a change until both parties sign the proposed change. The Sponsor may, at its discretion, consider and vote upon any proposed changes. Any change applies only to the specific instance and for the specific purpose for which requested.

Elements requiring notification in writing prior to making changes:

- Name, address and phone number of School contact person as identified in Paragraph 25 of this contract
- Changes in age of student population served
- Changes of corporate name or school name
- Changes in transportation services
- Changes in the School's lease, property agreement, or insurance coverage
- Changes in grade level configurations
- Changes in the School calendar
- Changes in governing board members

11. Insurance: The School shall obtain and maintain insurance in accordance with the laws of the State of Arizona. The School's insurance policies shall provide that such policies may not be canceled for any reason without at least ten days' written notice to the School and to the Sponsor.

A. Insurance Policies: Without limiting any liabilities or any other obligations of the School, the School shall provide and maintain the minimum insurance coverage listed below.

1. Workmen's Compensation insurance to cover obligations imposed by Federal and State statutes having jurisdiction over its employees, and Employers' Liability insurance with a minimum limit of ONE HUNDRED THOUSAND DOLLARS ($100,000).

2. Comprehensive General Liability insurance with a minimum combined single limit of ONE MILLION DOLLARS ($1,000,000) each occurrence. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including completed

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operations), personal injury (including coverage for contractual and employee acts), blanket contractual and products and completed operations. The policy shall contain a severability of interests provision.

3. Comprehensive Automobile Liability insurance with a combined single limit for bodily injury and property damage of not less than ONE MILLION DOLLARS ($1,000,000) each occurrence with respect to the school's owned, hired or non-owned vehicles, assigned to or used in performance of the services offered by the school.

B. Certificate: The School shall provide the Sponsor with a copy of its certificate(s) of insurance that meets the requirements of this charter. The certificate(s) shall evidence that policies providing the required coverages, conditions and limits are in full force and effect.

C. Verification: The School shall provide the Sponsor with certified copies of any or all of the above policies and/or endorsements. The School shall update its file as necessary to ensure that its certificates on file with the Sponsor are current.

D. Waiver: The School and its insurers providing the required coverages shall waive all rights of recovery against the State of Arizona, the Sponsor, and the Department of Education, their agents, officials, and employees.

12. Management and Administration: Except for A.R.S. 15, Chapter 1, Article 8 and this charter, the School is exempt from all Arizona statutes and rules relating to schools, governing boards and school districts to the extent permitted under A.R.S. §15-183(E)(5).

Pursuant to a petition filed with the Sponsor under A.R.S. §15-183(E)(6), the School receives exception from the following requirements:

****(List either the exceptions granted or "No Exceptions Requested"...)****

The School shall have all the powers and duties provided by law to charter schools provided in A.R.S. Title 15, Chapter 1, Article 8, except for those limited by the charter itself. A.R.S. §15-183(E)(1) requires that the School shall abide by federal, state and local rules and regulations and statutes relating to health, safety, civil rights, and insurance. The contract fully incorporates Attachment____, which contains documentation of applicable laws. The School shall comply with all applicable federal and state laws concerning the maintenance and disclosure of public and student records, including, without limitation, the Family Education Rights and Privacy Act of 1974, 20 U.S.C. §1232(g). ______ Initial Here

13. Indemnification: The School shall defend, indemnify, and hold harmless the State of Arizona, the Sponsor, its officers, directors, agents, employees from any and all claims,

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demands, suits, actions, proceedings, loss, cost, and damages of every kind and description, including but not limited to attorneys' fees and/or litigation expenses which may be brought or made against or incurred by the State or the Sponsor on account of any action of the School.

A.R.S. §15-183(O) holds a Sponsor immune from personal liability for all acts done and actions taken in good faith within the scope of its authority during duly constituted regular and special meetings.

14. Performance Indicators and Evaluation: A.R.S. §15-183(E)(4) requires that the School shall distribute:

A. An annual standardized report card, in a format developed by the Arizona Department of Education, pursuant to A.R.S. Title 15, Chapter 7, Article 3, that contains at least the following information:

1. A description of the School's regular, magnet, and special instructional programs.
2. A description of the current academic goals of the School.
3. A summary of the results achieved by pupils enrolled at the School, measured by essential skills tests and the nationally standardized norm-referenced achievement test designated by the Arizona State Board of Education.
4. The attendance rate of pupils enrolled at the School, reflected in the School's average daily membership defined in A.R.S. §15-901.
5. The number of incidents that occurred on the School grounds that required the intervention of local, state, or federal law enforcement.
6. The percentage of pupils who either graduated to the next grade level or graduated from high school.
7. A description of the social services available at the School site.
8. The School calendar, including the length of the school day and hours of operation.
9. The total number of pupils enrolled at the School during the previous school year.
10. The transportation services available.
11. A description of the responsibilities of parents who have children enrolled at the School.
12. A description of the responsibilities of the School to the parents of the children enrolled at the School, including the dates the report cards are delivered to the home.
13. A description of the composition and duties of the School's school council, prescribed in A.R.S. §15-351, if such a school council exists.
14. A description of the School's distinctive non-academic goals and the methods used by the School in assessing the accomplishment of such goals.
15. The average number of students in attendance each month.

In addition to distributing the report card, the School shall send a copy of the report card

Sample

to the Arizona Department of Education, which shall include the School's report card in an annual report containing a report card from each school in Arizona. Such annual report shall be available for public inspection. The School shall distribute the report card required herein to all parents and guardians of pupils enrolled at the School and shall present a summary of the contents of the report card at an annual public meeting held at the School. The School shall give notice to all parents and guardians at least two weeks before the public meeting that clearly state the purposes, time, and place of the meeting.

B. An annual report, filed on or before September 15th of each year with the Sponsor, in a format developed by the Department of Education, detailing its accomplishments in meeting the School's effectiveness as provided in A.R.S. §15-183(A).

15. Admission Requirements: A.R.S. §15-184(A)-(C) and the School's approved application require that all students, ages _____to_____, and in grades ____to ____ may attend.

_____ Initial Here

The School shall admit pupils meeting requirements established pursuant to A.R.S. §15-184(D), and conduct the student count pursuant to A.R.S. §15-185. If the School admits a pupil in violation of A.R.S. §15-184(D), the School shall not include that pupil wrongfully admitted in the student count.

A maximum of ___ students may be enrolled in the School during the first year of its charter. A maximum of___ students may be enrolled in the School during the second year of its charter. A maximum of ___ students maybe enrolled in the School during the third year of its charter. These maximum numbers of students constitute the total number of students who may be enrolled in the School without further approval by the Sponsor. _____ Initial Here

Pursuant to A.R.S. §15-183(E)(7), the School shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.

16. Financial Requirements: Pursuant to A.R.S. §15-183(E)(6), the School shall comply with the same financial requirements as a school district, including the Uniform System of Financial Records adopted by the Auditor General for charter schools, procurement rules and audit requirements, with the exception of those requirements specifically excepted by the Sponsor.

Audits conducted pursuant to federal or state laws, rules, or regulations must be conducted in accordance with 31 U.S.C. 7500 *et seq.* and A.R.S. §35-181.03 and any other applicable laws, rules, regulations, and standards.

The School assumes responsibility for all costs associated with its School operations, including the cost of contracting for goods and services.

17. Technical Assistance Teams, Audits, and Records: The School shall allow

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representatives from the Sponsor, Arizona Department of Education and/or the Arizona Auditor General to visit each school site at any time. Representatives may include, but are not limited to, individuals from the areas of finance, curriculum and evaluation, special education, audit, or other areas at the discretion of the Sponsor or the Department of Education. The School shall allow the representatives to conduct financial, program or compliance audits pursuant to A.R.S. §15-183(E)(6). At any time upon request by representatives of the Sponsor, the Arizona Department of Education and/or the Arizona Auditor General, the School shall hold open for inspection all records, reports, documents, and files relating to any activity or program provided by the School.

The School shall retain all documentation throughout the term of the Contract and for a period of no less than five (5) years following termination or expiration of the contract. Such obligation shall not negate or abridge a requirement under any applicable authority, including the Uniform System of Financial Records for charter schools, which requires the School to retain documentation for a period longer than stated above. If, prior to expiration or termination of the contract, anyone institutes litigation or an audit against the School, the School or its successor shall retain all documentation until the matter is finally resolved.

18. Length of School Year: The School shall provide instruction for no less than 175 days per school year, pursuant to A.R.S. §15-901. ______ Initial Here

19. Non-Renewal and Termination of Contract:

A. Non Renewal Pursuant to A.R.S. §15-183(I), the Sponsor shall give written notice to the School of the Sponsor's intent not to renew the School's charter at least twelve months prior to the expiration of the charter. The written notice shall state, in reasonable detail, the grounds for non-renewal.

Within thirty (30) days following the receipt of notice of non-renewal of the charter, the School may request, in writing, an informal hearing before the Sponsor. The Sponsor shall treat any failure by the School to make written request for a hearing within the thirty-day period as acquiescence to the non-renewal of the charter. Upon receiving a timely written request for a hearing, the Sponsor shall give reasonable notice of the hearing date to the School. The Sponsor shall then conduct an informal hearing that meets the standards established in Title 41, Chapter 6, Article 6 of the Arizona revised statutes and rules, if any, adopted by the Sponsor.

B. Revocation The Sponsor may revoke the charter pursuant to the procedures established in A.R.S. § 15-183(I), title 41, Chapter 6, Article 6 of the Arizona Revised Statutes and rules, if any, adopted by the Sponsor.

The Sponsor may revoke the charter for any violation of the charter, the statutes, or rules that govern the operations of a charter or the USFRCS; or for conditions

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which threaten the health, safety, or welfare of the students or staff of the School or of the general public.

20. Employees and Contractors: This contract is not an employment contract. No officer, employee, agent, or subcontractor of the School is an officer, employee, or agent of the Sponsor or the State of Arizona.

21. Non-Discrimination: The School shall comply with State Executive Order No. 75-5 which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable federal and state laws, rules and regulations, including the Americans with Disabilities Act. The School shall take affirmative action to ensure that applicants for employment, employees and persons to whom it provides services are not discriminated against due to race, creed, color, religion, sex, national origin, or disability.

22. Reporting: By the tenth (10th) day of each month, the School shall report to the Sponsor its average daily attendance (ADA) for the prior month, for any calendar month in which class was conducted.

23. Other Sponsorship: Nothing in the contract prohibits the School from seeking sponsorship from any other entity empowered by law to sponsor charter schools. The contract terminates immediately upon execution of a charter by the new sponsor.

24. Affidavit, Disclosure and Permission: The contract fully incorporates Attachment____, the Affidavit, Disclosure and Permission Granted Form. The School shall submit Arizona Department of Education fingerprint cards for all persons responsible for fulfilling the School's obligations under its charter, and A.R.S. Title 15, Chapter 1, Article 8, prior to the School's execution of the contract and ensure that those individuals satisfy the requirements of A.R.S. § 15-512. ______ Initial Here

25. Notices: Any notice required, or permitted, under the contract shall be in writing and shall be effective upon personal delivery (subject to verification of service or acknowledgment of receipt) or three (3) days after mailing when sent by certified mail, postage prepaid, to the following:

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For the School:

____
____
____
____

For the Sponsor:

B.L. Barclay
Director
Arizona State Board of Education, Division of Charter Schools
1535 West Jefferson Street, Mail Bin #8
Phoenix, Arizona 85007

From time to time, the Sponsor may make changes in the name and address of its contact person upon notice thereof to the School.

Executed this ______ day of ________________, 199__.

THE ____________________________________ CHARTER SCHOOL

By ____________________________________

Title ____________________________________
Identify under what authority the individual is signing. *E.g.*, Sole proprietor, partner, authorized signatory on behalf of the corporation (as evidenced by the Articles of Incorporation and minutes of a meeting of a majority of the shareholders authorizing the individual to execute the contract).

By ____________________________________

Title ____________________________________

ARIZONA STATE BOARD OF EDUCATION

By ____________________________________
Lisa Graham Keegan, State Superintendent

By ____________________________________
President, Arizona State Board of Education

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ARIZONA STATE BOARD FOR CHARTER SCHOOLS

NOTIFICATION OF CHANGE REQUEST

____
(Name and Address of Charter School)

__________________ __________________ __________________ Temporary
(Contact Person's Name) (Phone Number) (Fax Number) ID________

Only 1 notification of change request per document. Please assign a temporary ID number or code, numerical or alphabetical. All notification of changes must be submitted and be approved and signed by both parties before the school can take action on or implement the changes requested in the notification of change. Please provide supporting documentation.. **PLEASE CHECK APPROPRIATE BOX**

- ☐ Name, address and phone number of school contact as identified in the contract
- ☐ Changes in the School calendar that do not involve the number of days of instruction
- ☐ Signing authority for the school or corporation
- ☐ Changes in governing board members
- ☐ Changes in school location (change of site and/or adding sites)
- ☐ Changes of corporate name or school name
- ☐ Changes in transportation services
- ☐ Changes in the school's lease, ownership or occupancy agreement or insurance coverage
- ☐ Changes in subcontracts as provided in the contract.
- ☐ Changes in student enrollment.

The State Board for Charter Schools ("BOARD"), Sponsor and ______________________________

("CONTRACTOR"), herein agree to notification of change in the terms of Contract No.______________ as follows:

TO CHANGE FROM ORIGINAL APPLICATION, PAGE NO._____, PARAGRAPH NO._____:

TO CHANGE TO:

In witness whereof, CONTRACTOR has signed this Notification of Change as of this________ day of________________, 199_____,

and the BOARD has signed this Notification of Change as of this________________ day of ________________, 199_____,

to take effect at such time as it is signed by both parties.

____
(CONTRACTOR - SCHOOL NAME)

____
(SPONSOR - STATE BOARD FOR CHARTER SCHOOLS)

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01/07/00

ARIZONA STATE BOARD FOR CHARTER SCHOOLS

AMENDMENT REQUEST

(Name of Charter School)

(Address)

(Contact Person's Name) (Phone Number) (Fax Number) Temporary ID ______

Only 1 amendment request per document. Please assign a temporary ID number or code, numerical or alphabetical. All amendments must be submitted and be approved and signed by both parties before the school can take action on or implement the changes requested in the amendment. A COPY OF THE GOVERNING BOARD MINUTES FROM YOUR SCHOOL APPROVING THE AMENDMENT MUST BE PROVIDED WITH THIS REQUEST. PLEASE CHECK APPROPRIATE BOX

- ☐ Changes in legal status; ownership; or chief executive officer whose name is ________________ as of the date of this contract
- ☐ Changes to school description/mission
- ☐ Changes in grade levels served
- ☐ Changes in the school calendar involving the number of days of instruction
- ☐ Changes in admission procedures
- ☐ Changes in special education procedures
- ☐ Changes in curriculum or instruction
- ☐ Changes in the method(s) used to measure pupil progress
- ☐ Changes in wording

The State Board for Charter Schools ("BOARD"), Sponsor and ______________________________

("CONTRACTOR"), herein agree to amend the terms of Contract No. ________________ as follows:

TO CHANGE FROM ORIGINAL APPLICATION, PAGE NO._____, PARAGRAPH NO._____:

TO CHANGE TO:

In witness whereof, CONTRACTOR has signed this Contract Amendment as of this _____ day of ________________, 199____

and the BOARD has signed this contract amendment as of this ________________ day of ________________, 199____

to take effect at such time as it is signed by both parties.

Authorized Signature/School Name

(SPONSOR - STATE BOARD FOR CHARTER SCHOOLS)

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01/07/00

STATE BOARD OF EDUCATION
DIVISION OF CHARTER SCHOOLS

NOTIFICATION OF CHANGE REQUEST

FOR CHARTER SCHOOLS OFFICE USE ONLY	
Contract Number	
Approval Date	
Notification of change #	

____
(Name of Charter School & Address)

______________________ (Contact Person's Name) ______________________ (Phone Number) ______________________ (Fax Number) Temporary ID ______

Only 1 notification of change request per document. Please assign a temporary ID number or code, numerical or alphabetical. All notification of changes must be submitted and be approved and signed by both parties before the school can take action on or implement the changes requested in the notification of change. Please provide supporting documentation on a separate page, including a copy of that portion of your school's governing board minutes where this action was approved. PLEASE CHECK APPROPRIATE BOX

- ☐ Name, address and phone number of school contact as identified in the contract
- ☐ Changes in the school calendar that do not involve the number of days of instruction
- ☐ Changes in governing board members
- ☐ Changes in school location (change of site and/or adding sites previously approved in charter). NOTE: Even if multiple sites are authorized in charter, new sites need to be submitted as a Notification of Change with (a) Fire Marshal certificate, (b) Certificate of Occupancy, and (c) proof of insurance
- ☐ Changes of corporate name or school name
- ☐ Changes in transportation services
- ☐ Changes in the school's lease, ownership or occupancy agreement or insurance coverage
- ☐ Changes in subcontracts as provided in the contract
- ☐ Increase in enrollment (only if already approved in original charter application)

The State Board of Education ("BOARD"), Sponsor and ____

("CONTRACTOR"), herein agree to notification of change in the terms of Contract No. ________________ as follows:

TO CHANGE FROM ORIGINAL APPLICATION, PAGE NO._____, PARAGRAPH NO._____:

TO CHANGE TO:

In witness whereof, CONTRACTOR has signed this Notification of Change as of this ____ day of __________________, 199____

and the BOARD has signed this Notification of Change as of this __________________ day of __________________, 199____

to take effect at such time as it is signed by both parties.

____
SIGNATURE OF AUTHORIZED SIGNER (Please Sign In Blue Ink) SCHOOL NAME

____
(SPONSOR - STATE BOARD OF EDUCATION)

SBE Notification Form 1999

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STATE BOARD OF EDUCATION
DIVISION OF CHARTER SCHOOLS

AMENDMENT REQUEST

FOR CHARTER SCHOOLS OFFICE USE ONLY	
Contract Number	
Meeting Date	
Amendment #	

(Name of Charter School and Address)

(Contact Person's Name) (Phone Number) (Fax Number) Temporary ID ______

Only 1 amendment request per document. Please assign a temporary ID number or code, numerical or alphabetical. All amendments must be submitted and be approved and signed by both parties before the school can take action on or implement the changes requested in the amendment. Please provide supporting documentation on a separate page, including a copy of that portion of your school's governing board minutes where this action was approved. **PLEASE CHECK APPROPRIATE BOX.**

☐ Changes in legal status; ownership; or chief executive officer whose name is __________ as of the date of this contract, including the structure of the Governing Board
☐ Changes to school description/mission
☐ Changes in student enrollment
☐ Changes in grade levels served
☐ Changes in the school calendar involving the number of days of instruction
☐ Changes in admission procedures
☐ Changes in special education procedures
☐ Changes in curriculum or instructional methodology
☐ Changes in the method(s) used to measure pupil progress
☐ Changes in school location (change of site and/or adding/deleting sites not previously approved in charter)
NOTE: New sites must be submitted with (a) Fire Marshal certificate, (b) Certificate of Occupancy, and (c) proof of insurance.
☐ Changes in signing authority for the school or corporation

The State Board of Education ("BOARD"), Sponsor and ______________________________

("CONTRACTOR"), herein agree to amend the terms of Contract No. __________ as follows:

TO CHANGE FROM ORIGINAL APPLICATION, PAGE NO.____, PARAGRAPH NO.____:

TO CHANGE TO:

In witness whereof, CONTRACTOR has signed this Contract Amendment as of this ____ day of __________ 199____,

and the BOARD has signed this contract amendment as of this __________ day of __________, 199____

to take effect at such time as it is signed by both parties.

SIGNATURE OF AUTHORIZED SIGNER (Please Sign In Blue Ink) SCHOOL NAME

(SPONSOR - STATE BOARD OF EDUCATION)

SBE Amendment Form 1999

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SECTION 11

CHARTER SCHOOL OPERATIONS

CHARTER SCHOOL OPERATIONS

There are numerous items to thing about when considering the operation of a charter school. Basic information on the following topics is included in this section:

- School Enrollment
- School Calendar
  - Four Days that School Must Be Closed/175 Days of Instruction
- Budget and Apportionment
- Calendar of Events/Charter School Reporting Requirements
- Financial/Auditor General
  - USFRCS Memo #23 - Annual Budget Forms and Budget Work Sheets for Fiscal Year 1999-2000
  - USFRCS Memo #24 - Transfer of Responsibilities Affecting State Board-Sponsored Charter Schools
  - USFRCS Memo #25 - Charter School Annual Financial Report and Extracurricular Activities Fee Tax Credit Form for Fiscal Year 1998-1999
  - November 1998, March 1999, August 1999 Newsletters of the Office of the Auditor General
- Comprehensive Health Programs
- Early Childhood Programs
- Food Service Programs
- Additional State Statutes
  - Medications and Health
  - Interscholastic and Extracurricular Activities
  - Suspension and Expulsion
  - Sanitation Codes
- State Fire Marshal
- Regional Training Centers
- Accreditation
  - North Central Association (NCA) Accreditation
  - Association for Performance-Based Accreditation (APBA)
- Other Charter School Related Associations
  - Arizona Charter Schools Association
  - Arizona Charter School Parents Association
  - Arizona Education Employment Board (AEEB)
  - Arizona Business Assistance Center
  - 1-877-K-12-KIDS (A Charter School Referral Service)

SCHOOL CALENDAR, ENROLLMENT,
& OPEN MEETING LAW

School Calendar

Arizona public schools must provide at least 175 days of instruction. They must also observe the following four holidays if they occur within the school week:

July 4
Veteran's Day
Thanksgiving
Christmas/December 25

Enrollment & School Calendar

School enrollment and school calendar information should be submitted electronically (call for instructions) or hand delivered to:

School Finance Unit
Arizona Department of Education
1535 West Jefferson Street, Bin 13
Phoenix, Arizona 85007
(602) 542-8244 or (602) 542-8249

Open Meeting Law

Arizona charter schools are required to comply with the State's Open Meeting Law. A summary of the Open Meeting Law and outline of Chapter 7 is included later in this section.

BUDGET AND APPORTIONMENT

Notice of Special Meeting to Adopt School Budget

Budget and apportionment information should be submitted to:

School Finance Unit
Arizona Department of Education
1535 West Jefferson Street
Phoenix, Arizona 85007
(602) 542-5695
fax (602) 542-3099

Budget forms, budget worksheets and instructions for charter schools have been prepared by School Finance personnel and staffs of the Auditor General and Attorney General. USFRCS Memorandum No. 23 addresses this topic and includes budget forms and worksheets.

USFRCS Budgeting Policies (IV-1 -3) include:

- Each Charter School must submit to the Superintendent of Public Instruction a proposed budget no later than July 5 of the current fiscal year. The budget must be kept on file at the school and be made available upon request.
- A notice of the public hearing and governing body special meeting to adopt a budget must be published.
- The publication date must be no later than 10 days prior to the meeting; verification of the notice must be submitted with the adopted budget.
- The school must adopt a budget no later than July 15.
- The governing board must file a publisher's affidavit of publication with the Superintendent of Public Instruction within 30 days after publication.

This calendar of events includes dates specified in Arizona Revised Statutes (A.R.S.), the Arizona Administrative Code (A.A.C.), the Internal Revenue Service (IRS) Circular E Employer's Tax Guide, the Single Audit Act Amendments of 1996, Office of Management and Budget (OMB) Circular A-133, the Uniform System of Financial Records for Arizona Charter Schools (USFRCS), and dates established by Arizona Department of Education (ADE) policy. To help ensure that the required dates are met and for internal planning and control purposes, schools may want to specify additional dates. Where applicable, reference to additional information discussed in other manual sections has been provided.

Date	Activity	Authority	Manual Section
ANNUAL REQUIREMENTS:			
Not later than July 5 or the date of publication of notice of the public hearing and board meeting	A proposed budget must be prepared and furnished to the Superintendent of Public Instruction.	A.R.S. §15-905.A	Budgeting;and applicable USFRCS Memo
Not later than July 5, but at least 10 days prior to the board meeting to adopt the proposed budget	A notice of the public hearing and board meeting must be published.	A.R.S. §15-905.C	Budgeting;and applicable USFRCS Memo
By July 15	The proposed budget must be presented at a public hearing immediately followed by a special board meeting to adopt the budget.	A.R.S. §15-905.B, D, and E	Budgeting;and applicable USFRCS Memo
By July 15	The Pupil Transportation Bus Inventory report should be submitted to the Superintendent of Public Instruction.	USFRCS	Student Attendance Reporting
By July 18	The adopted budget must be filed with the Superintendent of Public Instruction.	A.R.S. §15-905.E	Budgeting;and applicable USFRCS Memo
Not later than August 5, but within 30 days after publication of the notice of public hearing	The publisher's affidavit of publication of the notice of public hearing must be filed with the Superintendent of Public Instruction.	A.R.S. §15-905.C	Budgeting
By September 15	Vocational Education Performance Standards and Measures Report should be submitted to ADE.	ADE Policy	
No later than October 1	Schools should submit the Graduation Rate Study report to ADE.	USFRCS	Student Attendance Reporting
By October 15	A copy of the Annual Financial Report should be furnished to the Superintendent of Public Instruction.	USFRCS	Financial Reporting
By October 31	Schools should submit the October Enrollment report to ADE.	USFRCS	Student Attendance Reporting
By January 31	Schools must furnish each employee a completed Form W-2 and certain nonemployee payees a completed Form 1099 for the calendar year just ended.	IRS Circular E	Payroll

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Date	Activity	Authority	Manual Section
By February 15	Schools should submit the Limited English Proficient report to ADE.	USFRCS	Student Attendance Reporting
By February 28	Form 1096, Annual Summary and Transmittal of U.S. Information Returns, along with copy A of all Forms 1099, must be filed with the IRS.	IRS Circular E	Payroll
By February 28	Form A-1R, Annual Withholding Tax Return, must be filed with the Arizona Department of Revenue.	A.R.S. §43-412	Payroll
By the last day of February	Form W-3, Transmittal of Wage and Tax Statements, along with copy A of all Forms W-2, must be filed with the Social Security Administration.	IRS Circular E	Payroll
Within 12 days after the first 100 days in session	The Transportation Route Report should be filed with the Superintendent of Public Instruction.	USFRCS	Student Attendance Reporting
Before May 15	Budget revisions must/may be made and the revised budget approved at a governing board meeting. This includes the revision of student count, base support level, transportation support level, and capital outlay revenue limit. The revised budget should be filed with the Superintendent of Public Instruction.	A.R.S. §15-185.B.2 and 3	Budgeting;and applicable USFRCS Memo
By June 15	Certain English proficiency information should be reported to ADE.	USFRCS	Student Attendance Reporting
By June 30	Schools should submit the Year End Enrollment report to ADE.	USFRCS	Student Attendance Reporting
By June 30	Schools should prepare and retain on file a list of liabilities for goods or services received on or before June 30 that will not be paid by June 30 of the current fiscal year.	USFRCS	Disbursements
By June 30	Monies in the petty cash account should be returned to the general revolving bank account.	USFRCS	Cash
At June 30	Interest earned during the year on the State Income Tax Withholdings bank account, Federal Payroll Tax Withholdings bank account, and Employee Insurance Programs Withholdings bank account should be deposited in the general bank account.	USFRCS	Payroll

Date	Activity	Authority	Manual Section
PERIODIC REQUIREMENTS:			
At least once every 2 years	Schools must take a physical inventory of furniture, equipment, and vehicles purchased with federal monies, costing $5,000 or more, and having useful lives over one year, and reconcile it to the fixed assets listing.	Common Rule, Subpart C, Post-Award Requirements, §.32 (d)(2)	Fixed Assets
At least once every 3 years	Schools should take a physical inventory of furniture, equipment, and vehicles and reconcile it to the fixed assets listing.	USFRCS	Fixed Assets
Within 14 days after the end of each pay period	State Retirement System contributions and withholdings must be submitted to the State Retirement System Board.	A.A.C. R2-8-122	Payroll
By April 30, July 31, October 31, and January 31, if the accumulated tax liability for the quarter will not exceed $500 or Within 15 days after the end of each month for monthly depositors[1] or By the following Wednesday for taxes withheld from payments made on Wednesday, Thursday, and/or Friday; by the following Friday for taxes withheld from payments made on Saturday, Sunday, Monday, and/or Tuesday for semi-weekly depositors[1] or By the close of the next banking day if the accumulated tax liability is $100,000 or more on any day during the deposit period[1]	Federal income tax withholdings and Social Security and Medicare tax withholdings and contributions must be deposited with an authorized financial institution or a federal reserve bank and state income tax withholdings must be submitted to the Arizona Department of Revenue if the amount of state tax collected and payable by the school exceeded $1,500 in each of the preceding four calendar quarters.	IRS Circular E and A.R.S. §43-401.C	Payroll

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Date	Activity	Authority	Manual Section
By April 30, July 31, October 31, and January 31 if school makes contributionsorBy May 31, August 31, November 30, and February 28 if school makes payments for actual benefits paid	A Contribution and Wage Report (Form UC-018) and State Unemployment Compensation Fund contributions/payments must be submitted to the Arizona Department of Economic Security.	A.A.C. R6-3-1704.B	Payroll
By April 30, July 31, October 31, and January 31 or 10 days thereafter if all taxes were deposited when due for the quarter	The Employer's Quarterly Federal Tax Return (IRS Form 941) must be submitted to the IRS, and any undeposited income, Social Security, and Medicare taxes must be paid.	IRS Circular E	Payroll
By April 30, July 31, October 31, and January 31	State income tax withholdings must be submitted to the Arizona Department of Revenue if the amount withheld and payable in each of the preceding four calendar quarters did not exceed an average of $1,500.	A.R.S. §43-401.C	Payroll
By April 30, July 31, October 31, and January 31	A Quarterly Report of Income Tax Withheld (Form A1-QRT) must be filed with the Arizona Department of Revenue.	A.R.S. §43-401.C	Payroll
Within 90 days after the grant year	Federal project completion reports must be submitted to ADE.	Common Rule Subpart C, Post-Award Requirements, §.41 (b)(4)	
By October 15, December 15, February 15, and April 15	For grants received from ADE, schools should submit a cash management report to ADE for each special project with a budget of $50,000 or more.	ADE policy	
By December 15 and February 15	For grants received from ADE, schools should submit a cash management report to ADE for each special project with a budget of $10,000 to $49,999.	ADE policy	
Within 30 days after completion of the audit but no later than 9 months after the end of the audit period	Schools having a single audit must submit audit reports to the Auditor General, ADE, and the Federal Audit Clearinghouse, Bureau of the Census.	Single Audit Act Amendments of 1996, §7502(h) and OMB Circular A-133, §____.320(a)	Audit/ Review Requirements
Within 10 days after the end of each covered month	Federal reimbursement claims for meals served must be filed with ADE.	USFRCS	Food Service
At least once each calendar month	A report of cash receipts, disbursements, transfers, and cash balances of Student Activities should be submitted to the governing board.	USFRCS	Student Activities

205

Date	Activity	Authority	Manual Section
Within 12 days after the first 40 and 100 days in session	Membership/Absence Reports should be submitted to ADE.	USFRCS	Student Attendance Reporting
Within 12 days after the first 40 and 100 days in session	Vocational Education Course Enrollment Reports should be submitted to ADE.	ADE Policy	
By December 8 and February 15	Schools should submit the Special Education Census report to ADE.	USFRCS	Student Attendance Reporting

Arizona
Department of Education

Office of
the Auditor General

USFRCS MEMORANDUM NO. 23

TO: Arizona Charter School Administrators
FROM: Magdalene D. Haggerty, Office of the Auditor General
Rita Sauv, Arizona Department of Education
DATE: June 7, 1999

SUBJECT: Charter School Annual Budget Forms and Budget Work Sheets for Fiscal Year 1999-2000 (Supersedes USFRCS Memorandums No. 13 and No. 17)

Enclosed are the fiscal year 1999-2000 charter school annual budget forms and budget work sheets with instructions for their completion. The budget forms and work sheets have been revised to reflect recent legislation including Students FIRST (Laws 1998, 5th Special Session, Chapter 1). Students FIRST eliminated the transportation support level, capital outlay revenue limit, capital levy revenue limit, and additional capital assistance for state board-sponsored charter schools and replaced them with additional assistance. Students FIRST also requires school districts and charter schools to prepare their budgets on a school-by-school basis.

In addition, Laws 1999, 1st Special Session, Chapter 5 provides additional appropriations for state equalization assistance for FY 1999-2000 if actual state general fund revenues for FY 1998-99 exceed certain amounts. The amount of any additional appropriation will not be determined until September 1999. As charter schools must adopt their budgets no later than July 15th, schools should calculate their adopted budgets based on the highest possible increase. However, if the additional appropriations are not received, schools must reduce their budgets by the amount that was budgeted pursuant to the increase. Consequently, **COMMITMENTS TO EXPEND THE ADDITIONAL MONIES SHOULD NOT BE MADE UNTIL AFTER THE ACTUAL AMOUNT IS DETERMINED IN SEPTEMBER.**

The enclosed work sheets reflect the new state equalization assistance calculation for schools sponsored by the Arizona State Board of Education and the Arizona State Board for Charter Schools. The budget forms have also been expanded to include separate budgets for each charter school campus. A state board-sponsored school must follow the budgeting requirements outlined in this memorandum unless specifically exempted in its charter.

Schools sponsored by school district governing boards should be included in the school district's budget and financial assistance calculations. These schools are not required to prepare separate budget forms and work sheets. Consequently, the requirements outlined in this memorandum are not applicable to school district-sponsored schools. The amount of funding school district-sponsored schools receive is based on the agreement between the school district governing board and the charter school. However, Arizona Revised Statutes (A.R.S.) §15-185(A)(3)(a) as amended by Laws 1999, 1st Special Session, Chapter 4, §2, allows school district-sponsored schools to receive the additional assistance prescribed by A.R.S. §15-185(B)(5) for state board-sponsored schools. School district-sponsored charter schools should refer to USFR Memorandum No. 162 for more information on applicable budget and financial assistance calculations.

The enclosed budget forms and work sheets are to be used as master copies. Schools should photocopy the blank pages to use when preparing their budgets for fiscal year 1999-2000. **The Arizona Department of Education (ADE) will only accept fiscal year 1999-2000 charter school annual budget forms and work sheets with the revision date of 6/99.** Budget forms and work sheets with earlier revision dates will not be accepted.

The enclosed budget forms and work sheets were developed using Microsoft Excel. Charter schools may download a copy of the budget forms and work sheets from the Auditor General's website at www.auditorgen.state.az.us. Charter schools without Internet access may contact the Office of the Auditor General, Accounting Services Division at (602) 553-0333 to request a copy on disk. The computerized version is intended for use on IBM-compatible computers using Microsoft Excel version 5.0 or higher. (In the future, the computerized version will only be issued for IBM-compatible computers using Microsoft Excel 97 or higher.) Instructions for using the computerized version are included with this memorandum. **Schools using the computerized version should submit the budget forms and work sheets to ADE on disk or via e-mail (schoolfinance@mail1.ade.state.az.us) in addition to mailing the hard copy version.**

Each charter school must prepare a proposed budget no later than July 5 and submit a copy to the Superintendent of Public Instruction. A copy must be kept on file at the school and made available to the public upon request. A notice of the public hearing and governing board meeting to adopt a budget must be published in a newspaper of general circulation. The publication date must be no later than 10 days prior to the meeting. The governing board must file a publisher's affidavit of publication with the Superintendent of Public Instruction within 30 days after publication. The school must adopt a budget no later than July 15 and submit a copy of the adopted budget to the Superintendent of Public Instruction no later than July 18.

GENERAL INFORMATION AND INSTRUCTIONS

This packet consists of:
1. Budget forms
a. Schoolwide
b. School-by-School
2. Budget work sheets A through F

Schools should complete the budget work sheets before completing the budget forms. Amounts on the budget forms should be rounded to the nearest dollar. Amounts should not be entered in the shaded areas.

CHARTER SCHOOL ANNUAL BUDGET—SCHOOLWIDE

COVER PAGE

The box labeled "CORRECTED" should be checked only if the school submits a corrected budget (e.g., when instructed by ADE or the original budget included mathematical errors).

Estimated revenues by source for fiscal year 1999-2000 should be the school's best estimate at the time the budget is prepared. Estimated revenues may exceed or be less than estimated expenses.

PAGE 1

Depreciation expense should not be reported on the budget forms. However, purchases of fixed assets (land and improvements, buildings and improvements, equipment, and construction in progress) should be reported on page 2 of the budget forms.

Schools with known special education students and programs at the time of budget adoption should budget for expenses in program code 200 (and 300, if applicable). Also, budgeted expenses should be allocated by program type on page 2.

Employee Benefits column

Schools participating in the Arizona State Retirement System should budget in object code 6200 at the rate of 2.17 percent for retirement contributions and 0.49 percent for long-term disability contributions for covered positions.

Current Year 1998-99 column

Amounts reported should agree to the school's most recently revised budget for fiscal year 1998-99.

Percentage Increase/Decrease column

Schools should report the percentage increase or decrease in the total budget for each line item.

Federal and State Project expenses

The total of federal and state project expenses (project codes 1100 through 1499) should be included on line 33. Schools should not include federal and state project expenses with other schoolwide project expenses on lines 1 through 32.

PAGE 2

Current Year columns

Amounts reported should agree to the school's most recently revised budget for fiscal year 1998-99.

Federal and State Projects

Separate accountability is required for each federal and state project. Therefore, charter schools should estimate the expenses for each federal or state project in which the school participates. The total on line 33 should agree with the total column for federal and state projects on line 33 of page 1.

Special Education Programs by Type

Schools budgeting for special education expenses on lines 16-28 on page 1 should report amounts allocated by program type on page 2. The total special education expenses by type should equal the total of lines 27 and 28 on page 1. Supporting documentation should be retained for the allocation of expenses budgeted for individual special education programs.

Capital Acquisitions

Enter the increase in the fixed asset accounts (land and improvements, buildings and improvements, equipment, and construction in progress) for assets to be acquired by purchase, lease purchase, or construction.

Selected Expenses by Type

Audit services expense should be the total audit costs to be incurred during the budget year.

Classroom instruction expenses should be the total of expenses budgeted in function code 1000 for program codes 100 through 500 for the budget year.

CHARTER SCHOOL ANNUAL BUDGET—SCHOOL-BY-SCHOOL

Charter schools must fill out one copy of the school-by-school budget pages 1, 2, and 3 for each charter school campus. In addition, in order to consistently report budgeted expenses for special education between charter schools, charter schools are required to report special education expenses (all program 200 and 300 expenses) as a separate campus called "Special Education." These expenses must not be included in the other individual campuses' budgets. If a charter school has one or more campuses that are used solely for special education, these campuses must be combined with all other charter school special education expenses and reported on the Special Education budget pages 1s, 2s, and 3s.

As this is the first year of campus level budgeting, the Current Year Total column on each page has been shaded. Do not include amounts in these columns.

The total of all campuses (including the Special Education campus) for each line of the budget must agree to the amounts reported on the charter school's schoolwide budget. To help ensure that amounts agree, charter schools must assign direct and indirect expenses to each campus.

DIRECT AND INDIRECT EXPENSES

Direct expenses are those that can be specifically assigned to a campus (coded to the campus' unit code). The direct expenses for each campus must be recorded in the appropriate column by object code grouping on page 1, and in the Budget Year Direct column on pages 2 and 3.

Indirect expenses are those related to the charter school as a whole that cannot be directly assigned to a specific campus (coded to the Schoolwide unit code). The indirect or schoolwide expenses for each campus are reported in the Budget Year Schoolwide Allocation column on each page of the campus budget. Indirect expenses are distributed to each campus except the Special Education campus based on the appropriate allocation base.

Allocation Bases

Allocation ADM—The primary allocation base is the Allocation ADM calculated on page 3 of the forms. Allocation ADM should be used except as shown below.

Pupil Transportation—Charter schools that do not use separate program codes for regular education and special education pupil transportation expenses should not enter amounts in the columns for direct expenses on Special Education budget page 1s, line 29. All direct expenses should be assigned to the appropriate regular education campus. Then, the charter school must allocate the indirect pupil transportation expenses between regular and special education as follows:

$$\frac{\text{\# of Special Ed PT Vehicles}}{\text{Total \# of PT Vehicles}} \times \text{Indirect Expenses} = \text{Special Ed allocation}$$

PT Vehicles = Pupil Transportation Vehicles (buses and vans)

The indirect pupil transportation expenses allocated to special education must be entered in the Budget Year Schoolwide Allocation column on page 1s, line 29 of the Special Education budget. The remaining indirect pupil transportation expenses must be allocated among the regular education campuses based on the population served at each campus.

Charter schools that use separate programs codes for regular education and special education pupil transportation expenses should enter amounts coded to special education in the direct expenses column on Special Education budget page 1s, line 29. Regular education direct pupil transportation expenses should be recorded on the appropriate campus' budget page 1, line 29. Indirect pupil transportation expenses must be allocated among the regular education campuses based on the population served at each campus. No amount should be entered in the Budget Year Schoolwide Allocation column on Special Education budget page 1s, line 29.

Meals Served—Number of meals (breakfast and lunch) served to teachers and students at a campus. For snack and a la carte sales, divide the total of such sales by the free lunch reimbursement rate to obtain an equivalent meal count.

Page 1
Lines 9 Function 3000 (Food Service portion)

Population Served—The number of participants provided a service based on the nature of the program.

Page 1
Line 29 Program 400 (Student Transportation)

Page 2
Lines 1-18 Federal Projects
Lines 20-31 State Projects

PAGE 1

The Schoolwide Allocation column must include the individual campus' portion of those estimated expenses not directly assignable to any campus of the charter school.

Do not include estimated expenses for programs 200 or 300 on this page for the individual campuses. These estimated expenses must be combined for all campuses and reported on the Special Education campus budget.

PAGE 2

Federal and State Projects Funds

Do not include estimated expenses for programs 200 or 300 in the individual campus budgets. These amounts must be combined for all campuses and reported on the Special Education campus budget.

PAGE 3

Supplementary Information

The "Allocation ADM" must be reported for each campus except the "Special Education" campus.

CHARTER SCHOOL ______________________________ COUNTY ____________ CTD NUMBER ____________

FY 1999-2000

STATE OF ARIZONA

CHARTER SCHOOL ANNUAL BUDGET
School-by-School Budgets

CHECK APPROPRIATE BOX(ES)

☐ PROPOSED

☐ ADOPTED

Number of Individual Campus Budgets ____

213

212

CHARTER SCHOOL ____________ CAMPUS Totals CTDS NUMBER Totals

EXPENSES		Budget Year Direct Expenses					Budget Year Schoolwide Allocation	Totals		
1000 Schoolwide Project		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800		Current Year 1998-99	Budget Year 1999-2000	
100 Regular Education										
1000 Instruction	1.									1.
Support Services										
2100 Student	2.									2.
2200 Instructional Staff	3									3.
2300 General Administration	4									4.
2400 School Administration	5									5.
2500, 2800 Business and Central	6									6.
2600 Operation & Maintenance of Plant Services	7									7.
2900 Other Support Services	8									8.
3000 Operation of Noninstructional Services	9									9.
4000 Facilities Acquisition & Construction Services	10									10.
5000 Debt Service	11									11.
610 School-Sponsored Cocurricular Activities	12.									12.
620 School-Sponsored Athletics	13.									13.
630, 700, 800, 900 Other Programs	14.									14.
Regular Educ. Subsection Subtotal (lines 1-14)	15.									15.
200 Special Education										
1000 Instruction	16.									16.
Support Services										
2100 Student	17.									17.
2200 Instructional Staff	18.									18.
2300 General Administration	19.									19.
2400 School Administration	20.									20.
2500, 2800 Business and Central	21.									21.
2600 Operation & Maintenance of Plant Services	22.									22.
2900 Other Support Services	23.									23.
3000 Operation of Noninstructional Services	24.									24.
4000 Facilities Acquisition & Construction Services	25.									25.
5000 Debt Service	26.									26.
Subtotal (lines 16-26)	27.									27.
300 Special Education, Title 8, P.L. 103-382 Add-On	28.									28.
400 Pupil Transportation	29.									29.
530 Dropout Prevention Programs	30.									30.
540 Joint Vocational and Technical Center	31.									31.
Subtotal (lines 15 and 27-31)	32.									32.
Federal and State Projects (from page 2, line 33)	33.									33.
Total (lines 32 and 33)	34.									34.

Rev. 6/99

Rev. 6/99

CHARTER SCHOOL ____________________ CAMPUS Totals CTDS NUMBER Totals

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FEDERAL AND STATE PROJECTS

	Budget Year		Totals		
	Direct	Schoolwide	Current Year	Budget Year	
1100-1399 FEDERAL PROJECTS					
1. 1100-1130 ESEA Title I					1.
2. 1140 ESEA Title II - Dwight D. Eisenhower Prof. Dev.					2.
3. 1150 ESEA Title III - Technology for Education					3.
4. 1160 ESEA Title IV - Safe & Drug-Free Sch. & Comm.					4.
5. 1170 ESEA Title V - Promoting Equity					5.
6. 1180 ESEA Title VI - Innovative Educ. Prog. Strat.					6.
7. 1190 ESEA Title VII - Bilingual Education					7.
8. 1200 ESEA Title IX - Indian Education					8.
9. 1210 ESEA Title X - Programs of National Signif.					9.
10. 1220 IDEA, Part B					10.
11. 1230 Johnson-O'Malley					11.
12. 1240 Job Training Partnership Act (JTPA)					12.
13. 1250 AEA - Adult Education					13.
14. 1260-1280 Vocational Education - Basic Grants					14.
15. 1290 Medicaid Reimbursement					15.
16. 1295 Goals 2000					16.
17. 1300 Charter School Implementation Proj. (Stimulus)					17.
18. 1310-1399 Other Federal Projects					18.
19. Total Federal Project Funds (lines 1-18)					19.
1400-1499 STATE PROJECTS					
20. 1400 Vocational Education					20.
21. 1410 Early Childhood Block Grant					21.
22. 1420 Handicapped Pupils - Extended School Year					22.
23. 1425 Adult Basic Education					23.
24. 1430 Chemical Abuse Prevention Programs					24.
25. 1435 Academic Contests					25.
26. 1445 At-Risk Pupil Dropout Prevention Proj. (7-12)					26.
27. 1450 Gifted					27.
28. 1455 Family Literacy Pilot Program					28.
29. 1460 Environmental Special Plate					29.
30. 1465 Charter School Stimulus Fund					30.
31. 1470-1499 Other State Projects					31.
32. Total State Project Funds (lines 19-29)					32.
33. Total Federal and State Projects (lines 19 and 32)					33.

CHARTER SCHOOL ____________________ CAMPUS Totals CTDS NUMBER Totals

1999-2000 ESTIMATED AVERAGE DAILY MEMBERSHIP (ADM)

Attending ADM		
Self-contained Special Education Students	-	
Allocation ADM	=	

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SPECIAL EDUCATION PROGRAMS BY TYPE

	Totals		Number of Students Served	
	Current Year	Budget Year		
1. Autism				1.
2. Emotional Disability				2.
3. Hearing Impairment				3.
4. Other Health Impairments				4.
5. Specific Learning Disability				5.
6. Mild, Moderate, or Severe Mental Retard.				6.
7. Multiple Disabilities				7.
8. Multiple Disabilities with S.S.I.*				8.
9. Orthopedic Impairment				9.
10. Speech/Language Impairment				10.
11. Traumatic Brain Injury				11.
12. Visual Impairment				12.
13. Subtotal (lines 1-12)				13.
14. Gifted Education				14.
15. Bilingual Education				15.
16. Remedial Education				16.
17. Vocational and Technological Education				17.
18. Career Education				18.
19. Subtotal (lines 14-18)				19.
20. TOTAL (lines 13 and 19. Should equal total of lines 27 and 28 on budget, page 1.)				20.

* Severe Sensory Impairment

CAPITAL ACQUISITIONS

	Budget Year		Totals		
	Direct	Schoolwide	Current Year	Budget Year	
1. 0181 Land and Improvements					1.
2. 0182 Buildings and Improvements					2.
3. 0183 Equipment					3.
4. 0184 Construction in Progress					4.
5. Total Capital Acquisitions (lines 1-4)					5.

CHARTER SCHOOL ____________________ CAMPUS ____________________ CTDS NUMBER ____________

EXPENSES		Budget Year Direct Expenses					Budget Year Schoolwide Allocation	Totals		
1000 Schoolwide Project		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800		Current Year 1998-99	Budget Year 1999-2000	
100 Regular Education										
1000 Instruction	1.									1.
Support Services										
2100 Student	2.									2.
2200 Instructional Staff	3.									3.
2300 General Administration	4.									4.
2400 School Administration	5.									5.
2500, 2800 Business and Central	6.									6.
2600 Operation & Maintenance of Plant Services	7.									7.
2900 Other Support Services	8.									8.
3000 Operation of Noninstructional Services	9.									9.
4000 Facilities Acquisition & Construction Services	10.									10.
5000 Debt Service	11.									11.
610 School-Sponsored Cocurricular Activities	12.									12.
620 School-Sponsored Athletics	13.									13.
630, 700, 800, 900 Other Programs	14.									14.
Regular Educ. Subsection Subtotal (lines 1-14)	15.									15.
200 Special Education										
1000 Instruction	16.									16.
Support Services										
2100 Student	17.									17.
2200 Instructional Staff	18.									18.
2300 General Administration	19.									19.
2400 School Administration	20.									20.
2500, 2800 Business and Central	21.									21.
2600 Operation & Maintenance of Plant Services	22.									22.
2900 Other Support Services	23.									23.
3000 Operation of Noninstructional Services	24.									24.
4000 Facilities Acquisition & Construction Services	25.									25.
5000 Debt Service	26.									26.
Subtotal (lines 16-26)	27.									27.
300 Special Education, Title 8, P.L. 103-382 Add-On	28.									28.
400 Pupil Transportation	29.									29.
530 Dropout Prevention Programs	30.									30.
540 Joint Vocational and Technical Center	31.									31.
Subtotal (lines 15 and 27-31)	32.									32.
Federal and State Projects (from page 2, line 33)	33.									33.
Total (lines 32 and 33)	34.									34.

CHARTER SCHOOL ____________________ CAMPUS ____________________ CTDS NUMBER ____________

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FEDERAL AND STATE PROJECTS

	Budget Year		Totals		
1100-1399 FEDERAL PROJECTS	**Direct**	**Schoolwide**	**Current Year**	**Budget Year**	
1. 1100-1130 ESEA Title I					1.
2. 1140 ESEA Title II - Dwight D. Eisenhower Prof. Dev.					2.
3. 1150 ESEA Title III - Technology for Education					3.
4. 1160 ESEA Title IV - Safe & Drug-Free Sch. & Comm.					4.
5. 1170 ESEA Title V - Promoting Equity					5.
6. 1180 ESEA Title VI - Innovative Educ. Prog. Strat.					6.
7. 1190 ESEA Title VII - Bilingual Education					7.
8. 1200 ESEA Title IX - Indian Education					8.
9. 1210 ESEA Title X - Programs of National Signif.					9.
10. 1220 IDEA, Part B					10.
11. 1230 Johnson-O'Malley					11.
12. 1240 Job Training Partnership Act (JTPA)					12.
13. 1250 AEA - Adult Education					13.
14. 1260-1280 Vocational Education - Basic Grants					14.
15. 1290 Medicaid Reimbursement					15.
16. 1295 Goals 2000					16.
17. 1300 Charter School Implementation Proj. (Stimulus)					17.
18. 1310-1399 Other Federal Projects					18.
19. Total Federal Project Funds (lines 1-18)					19.
1400-1499 STATE PROJECTS					
20. 1400 Vocational Education					20.
21. 1410 Early Childhood Block Grant					21.
22. 1420 Handicapped Pupils - Extended School Year					22.
23. 1425 Adult Basic Education					23.
24. 1430 Chemical Abuse Prevention Programs					24.
25. 1435 Academic Contests					25.
26. 1445 At-Risk Pupil Dropout Prevention Proj. (7-12)					26.
27. 1450 Gifted					27.
28. 1455 Family Literacy Pilot Program					28.
29. 1460 Environmental Special Plate					29.
30. 1465 Charter School Stimulus Fund					30.
31. 1470-1499 Other State Projects					31.
32. Total State Project Funds (lines 19-29)					32.
33. Total Federal and State Projects (lines 19 and 32)					33.

CHARTER SCHOOL ______________________ CAMPUS ______________ CTDS NUMBER ________

1999-2000 ESTIMATED AVERAGE DAILY MEMBERSHIP (ADM)

Attending ADM		
Self-contained Special Education Students	-	
Allocation ADM	=	

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SPECIAL EDUCATION PROGRAMS BY TYPE

	Totals		Number of Students Served	
	Current Year	Budget Year		
1. Autism				1.
2. Emotional Disability				2.
3. Hearing Impairment				3.
4. Other Health Impairments				4.
5. Specific Learning Disability				5.
6. Mild, Moderate, or Severe Mental Retard.				6.
7. Multiple Disabilities				7.
8. Multiple Disabilities with S.S.I.*				8.
9. Orthopedic Impairment				9.
10. Speech/Language Impairment				10.
11. Traumatic Brain Injury				11.
12. Visual Impairment				12.
13. Subtotal (lines 1-12)				13.
14. Gifted Education				14.
15. Bilingual Education				15.
16. Remedial Education				16.
17. Vocational and Technological Education				17.
18. Career Education				18.
19. Subtotal (lines 14-18)				19.
20. TOTAL (lines 13 and 19. Should equal total of lines 27 and 28 on budget, page 1.)				20.

* Severe Sensory Impairment

CAPITAL ACQUISITIONS

	Budget Year		Totals		
	Direct	Schoolwide	Current Year	Budget Year	
1. 0181 Land and Improvements					1.
2. 0182 Buildings and Improvements					2.
3. 0183 Equipment					3.
4. 0184 Construction in Progress					4.
5. Total Capital Acquisitions (lines 1-4)					5.

CHARTER SCHOOL ______________________ CAMPUS Special Education CTD NUMBER ____________

EXPENSES		Budget Year Direct Expenses					Budget Year Schoolwide Allocation	Totals		
		Salaries	Employee Benefits	Purchased Services	Supplies	Other		Current Year	Budget Year	
1000 Schoolwide Project		6100	6200	6300, 6400, 6500	6600	6800		1998-99	1999-2000	
100 Regular Education										
1000 Instruction	1.									1.
Support Services										
2100 Student	2.									2.
2200 Instructional Staff	3.									3.
2300 General Administration	4.									4.
2400 School Administration	5.									5.
2500, 2800 Business and Central	6.									6.
2600 Operation & Maintenance of Plant Services	7.									7.
2900 Other Support Services	8.									8.
3000 Operation of Noninstructional Services	9.									9.
4000 Facilities Acquisition & Construction Services	10.									10.
5000 Debt Service	11.									11.
610 School-Sponsored Cocurricular Activities	12.									12.
620 School-Sponsored Athletics	13.									13.
630, 700, 800, 900 Other Programs	14.									14.
Regular Educ. Subsection Subtotal (lines 1-14)	15.									15.
200 Special Education										
1000 Instruction	16.									16.
Support Services										
2100 Student	17.									17.
2200 Instructional Staff	18.									18.
2300 General Administration	19.									19.
2400 School Administration	20.									20.
2500, 2800 Business and Central	21.									21.
2600 Operation & Maintenance of Plant Services	22.									22.
2900 Other Support Services	23.									23.
3000 Operation of Noninstructional Services	24.									24.
4000 Facilities Acquisition & Construction Services	25.									25.
5000 Debt Service	26.									26.
Subtotal (lines 16-26)	27.									27.
300 Special Education, Title 8, P.L. 103-382 Add-On	28.									28.
400 Pupil Transportation	29.									29.
530 Dropout Prevention Programs	30.									30.
540 Joint Vocational and Technical Center	31.									31.
Subtotal (lines 15 and 27-31)	32.									32.
Federal and State Projects (from page 2, line 33)	33.									33.
Total (lines 32 and 33)	34.									34.

Rev. 6/99 **Page 1s of 3s**

CHARTER SCHOOL ____________________ CAMPUS Special Education CTD NUMBER ____________

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FEDERAL AND STATE PROJECTS

	Budget Year		Totals		
	Direct	Schoolwide	Current Year	Budget Year	
1100-1399 FEDERAL PROJECTS					
1. 1100-1130 ESEA Title I					1.
2. 1140 ESEA Title II - Dwight D. Eisenhower Prof. Dev.					2.
3. 1150 ESEA Title III - Technology for Education					3.
4. 1160 ESEA Title IV - Safe & Drug-Free Sch. & Comm.					4.
5. 1170 ESEA Title V - Promoting Equity					5.
6. 1180 ESEA Title VI - Innovative Educ. Prog. Strat.					6.
7. 1190 ESEA Title VII - Bilingual Education					7.
8. 1200 ESEA Title IX - Indian Education					8.
9. 1210 ESEA Title X - Programs of National Signif.					9.
10. 1220 IDEA, Part B					10.
11. 1230 Johnson-O'Malley					11.
12. 1240 Job Training Partnership Act (JTPA)					12.
13. 1250 AEA - Adult Education					13.
14. 1260-1280 Vocational Education - Basic Grants					14.
15. 1290 Medicaid Reimbursement					15.
16. 1295 Goals 2000					16.
17. 1300 Charter School Implementation Proj. (Stimulus)					17.
18. 1310-1399 Other Federal Projects					18.
19. Total Federal Project Funds (lines 1-18)					19.
1400-1499 STATE PROJECTS					
20. 1400 Vocational Education					20.
21. 1410 Early Childhood Block Grant					21.
22. 1420 Handicapped Pupils - Extended School Year					22.
23. 1425 Adult Basic Education					23.
24. 1430 Chemical Abuse Prevention Programs					24.
25. 1435 Academic Contests					25.
26. 1445 At-Risk Pupil Dropout Prevention Proj. (7-12)					26.
27. 1450 Gifted					27.
28. 1455 Family Literacy Pilot Program					28.
29. 1460 Environmental Special Plate					29.
30. 1465 Charter School Stimulus Fund					30.
31. 1470-1499 Other State Projects					31.
32. Total State Project Funds (lines 19-29)					32.
33. Total Federal and State Projects (lines 19 and 32)					33.

CHARTER SCHOOL ______________________ CAMPUS Special Education CTD NUMBER ____________

1999-2000 ESTIMATED AVERAGE DAILY MEMBERSHIP (ADM)

Attending ADM		
Self-contained Special Education Students	-	
Allocation ADM	=	

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SPECIAL EDUCATION PROGRAMS BY TYPE

	Totals		Number of	
	Current Year	Budget Year	Students Served	
1. Autism				1.
2. Emotional Disability				2.
3. Hearing Impairment				3.
4. Other Health Impairments				4.
5. Specific Learning Disability				5.
6. Mild, Moderate, or Severe Mental Retard				6.
7. Multiple Disabilities				7.
8. Multiple Disabilities with S.S.I.*				8.
9. Orthopedic Impairment				9.
10. Speech/Language Impairment				10.
11. Traumatic Brain Injury				11.
12. Visual Impairment				12.
13. Subtotal (lines 1-12)				13.
14. Gifted Education				14.
15. Bilingual Education				15.
16. Remedial Education				16.
17. Vocational and Technological Education				17.
18. Career Education				18.
19. Subtotal (lines 14-18)				19.
20. TOTAL (lines 13 and 19. Should equal total of lines 27 and 28 on budget, page 1.)				20.

* Severe Sensory Impairment

CAPITAL ACQUISITIONS

	Budget Year		Totals		
	Direct	Schoolwide	Current Year	Budget Year	
1. 0181 Land and Improvements					1.
2. 0182 Buildings and Improvements					2.
3. 0183 Equipment					3.
4. 0184 Construction in Progress					4.
5. Total Capital Acquisitions (lines 1-4)					5.

CHARTER SCHOOL ______________________ **COUNTY** __________ **CTD NUMBER** __________

FY 1999-2000

STATE OF ARIZONA

CHARTER SCHOOL ANNUAL BUDGET
Schoolwide Budget

CHECK APPROPRIATE BOX(ES)

☐ PROPOSED

☐ ADOPTED ☐ REVISED NO. ____

☐ CORRECTED (Use only when instructed by ADE)

was proposed this ______ day of ________ , 1999
was adopted this ______ day of ________ , 1999
was revised this ______ day of ________ , ____

SIGNED	TITLE

232

REVENUES
(This section not applicable to budget revisions)

1. TOTAL BUDGETED REVENUES FOR FISCAL YEAR 1998-99 $ __________

2. ESTIMATED REVENUES BY SOURCE FOR FISCAL YEAR 1999-2000

Local	1000	$
Intermediate	2000	$
State	3000	$
Federal	4000	$
TOTAL		$

NOTE: The amounts in the current year columns on Page 1, lines 15 and 27 are taken directly from the most recently revised FY 1998-99 Budget and include all functions. These amounts do not agree to the sum of the individual current year amounts in lines 1-14 and 16-26 due to the change in function and program groupings.

233

CHARTER SCHOOL ______ COUNTY ______ CTD NUMBER ______

EXPENSES		Salaries	Employee Benefits	Purchased Services	Supplies	Other	Totals		% Increase/ Decrease	
1000 Schoolwide Project		6100	6200	6300, 6400, 6500	6600	6800	Current Year 1998-99	Budget Year 1999-2000		
100 Regular Education										
1000 Instruction	1.									1.
Support Services										
2100 Student	2.									2.
2200 Instructional Staff	3.									3.
2300 General Administration	4.									4.
2400 School Administration	5.									5.
2500, 2800 Business and Central	6.						▨		▨	6.
2600 Operation & Maintenance of Plant Services	7.									7.
2900 Other Support Services	8.						▨		▨	8.
3000 Operation of Noninstructional Services	9.									9.
4000 Facilities Acquisition & Construction Services	10.									10.
5000 Debt Service	11.									11.
610 School-Sponsored Cocurricular Activities	12.						▨		▨	12.
620 School-Sponsored Athletics	13.						▨		▨	13.
630, 700, 800, 900 Other Programs	14.						▨		▨	14.
Regular Educ. Subsection Subtotal (lines 1-14) (1)	15.									15.
200 Special Education										
1000 Instruction	16.									16.
Support Services										
2100 Student	17.									17.
2200 Instructional Staff	18.									18.
2300 General Administration	19.									19.
2400 School Administration	20.									20.
2500, 2800 Business and Central	21.						▨		▨	21.
2600 Operation & Maintenance of Plant Services	22.									22.
2900 Other Support Services	23.						▨		▨	23.
3000 Operation of Noninstructional Services	24.									24.
4000 Facilities Acquisition & Construction Services	25.									25.
5000 Debt Service	26.									26.
Subtotal (lines 16-26) (1)	27.									27.
300 Special Education, Title 8, P.L. 103-382 Add-On	28.									28.
400 Pupil Transportation	29.									29.
530 Dropout Prevention Programs	30.									30.
540 Joint Vocational and Technical Center	31.									31.
Subtotal (lines 15 and 27-31)	32.									32.
Federal and State Projects (from page 2, line 33)	33.	▨	▨	▨	▨	▨				33.
Total (lines 32 and 33)	34.	▨	▨	▨	▨	▨				34.

CHARTER SCHOOL ______________________ COUNTY ____________ CTD NUMBER __________

FEDERAL AND STATE PROJECTS

1100-1399 FEDERAL PROJECTS	Current Year	Budget Year	
1. 1100-1130 ESEA Title I			1.
2. 1140 ESEA Title II - Dwight D. Eisenhower Prof. Dev			2.
3. 1150 ESEA Title III - Technology for Education			3.
4. 1160 ESEA Title IV - Safe & Drug-Free Sch. & Comm			4.
5. 1170 ESEA Title V - Promoting Equity			5.
6. 1180 ESEA Title VI - Innovative Educ. Prog. Strat			6.
7. 1190 ESEA Title VII - Bilingual Education			7.
8. 1200 ESEA Title IX - Indian Education			8.
9. 1210 ESEA Title X - Programs of National Signif.			9.
10. 1220 IDEA, Part B			10.
11. 1230 Johnson-O'Malley			11.
12. 1240 Job Training Partnership Act (JTPA)			12.
13. 1250 AEA - Adult Education			13.
14. 1260-1280 Vocational Education - Basic Grants			14.
15. 1290 Medicaid Reimbursement			15.
16. 1295 Goals 2000			16.
17. 1300 Charter School Implementation Proj. (Stimulus)			17.
18. 1310-1399 Other Federal Projects			18.
19. Total Federal Project Funds (lines 1-18)			19.
1400-1499 STATE PROJECTS			
20. 1400 Vocational Education			20.
21. 1410 Early Childhood Block Grant			21.
22. 1420 Handicapped Pupils - Extended School Year			22.
23. 1425 Adult Basic Education			23.
24. 1430 Chemical Abuse Prevention Programs			24.
25. 1435 Academic Contests			25.
26. 1445 At-Risk Pupil Dropout Prevention Proj. (7-12)			26.
27. 1450 Gifted			27.
28. 1455 Family Literacy Pilot Program			28.
29. 1460 Environmental Special Plate			29.
30. 1465 Charter School Stimulus Fund			30.
31. 1470-1499 Other State Projects			31.
32. Total State Project Funds (lines 19-29)			32.
33. Total Federal and State Projects (lines 19 and 32)			33.

SPECIAL EDUCATION PROGRAMS BY TYPE

	Current Year	Budget Year	
1. Autism			1.
2. Emotional Disability			2.
3. Hearing Impairment			3.
4. Other Health Impairments			4.
5. Specific Learning Disability			5.
6. Mild, Moderate, or Severe Mental Retard.			6.
7. Multiple Disabilities			7.
8. Multiple Disabilities with S.S.I.*			8.
9. Orthopedic Impairment			9.
10. Speech/Language Impairment			10.
11. Traumatic Brain Injury			11.
12. Visual Impairment			12.
13. Subtotal (lines 1-12)			13.
14. Gifted Education			14.
15. Bilingual Education			15.
16. Remedial Education			16.
17. Vocational and Technological Education			17.
18. Career Education			18.
19. Subtotal (lines 14-18)			19.
20. TOTAL (lines 13 and 19. Should equal total of lines 27 and 28 on budget, page 1.)			20.

* Severe Sensory Impairment

PROPOSED RATIOS FOR SPECIAL EDUCATION

Teacher-Pupil 1 to ______

Staff-Pupil 1 to ______

SELECTED EXPENSES BY TYPE

(Must be included on page 1)

Audit Services	
Classroom Instruction	

CAPITAL ACQUISITIONS

	Current Year	Budget Year	
1. 0181 Land and Improvements			1.
2. 0182 Buildings and Improvements			2.
3. 0183 Equipment			3.
4. 0184 Construction in Progress			4.
5. Total Capital Acquisitions (lines 1-4)			5.

CHARTER SCHOOL ______________________ COUNTY __________ CTD NUMBER __________

BUDGET WORK SHEETS
FOR FISCAL YEAR 1999-2000
TABLE OF CONTENTS

WORK SHEET TITLE . . . . . PAGE

A. Base Support Level Weights 1

B. Weighted Student Count 2

C. Base Support Level 3

D. Additional Assistance 4

E. Equalization Base and Assistance 4

F. Adjustment for FY 1998-99 200th-day ADM 4

CHARTER SCHOOL ____________________ COUNTY ____________ CTD NUMBER ____________

WORK SHEET A

FY 1999-2000 BASE SUPPORT LEVEL WEIGHTS (A.R.S. §15-943)

SUPPORT LEVEL WEIGHTS TO BE USED FOR:	K-8	9-12
Student Count 0.001-99.999 (1)		
Support Level Weight (2)	1.399	1.559
Student Count 100.000-499.999 (1)		
Student Count Constant	500.000	500.000
FY 1999-2000 Student Count (1)	-	-
Difference	=	=
Weight Adjustment Factor	x 0.0003	x 0.0004
Support Level Weight Increase	=	=
Support Level Weight Constant	+ 1.278	+ 1.398
Support Level Weight (2)	=	=
Student Count 500.000-599.999 (1)		
Student Count Constant	600.000	600.000
FY 1999-2000 Student Count (1)	-	-
Difference	=	=
Weight Adjustment Factor	x 0.0012	x 0.0013
Support Level Weight Increase	=	=
Support Level Weight Constant	+ 1.158	+ 1.268
Support Level Weight (2)	=	=
Student Count 600.000 or More (1)		
Support Level Weight (2)	1.158	1.268

NOTES:

(1) Student Count must be estimated student counts based on actual registration of students. After the 100th day in session, the ADE 1999-2000 report "Recalculated State Aid ADM Counts - ADMS 46-1" for the 100th day should be used. Schools that elect to provide 200 days of instruction will adjust their FY 2000-01 budget for discrepancies between the FY 1999-2000 100th-day and 200th-day student counts. (Total K-UE and/or Total 9-US report is used for K-8 and/or 9-12)

(2) [Column 1 to Work Sheet B, line I.A.1]
[Column 2 to Work Sheet B, line I.A.2]

CHARTER SCHOOL ____________________ COUNTY ____________ CTD NUMBER ____________

WORK SHEET B

FY 1999-2000 WEIGHTED STUDENT COUNT

(A.R.S. §15-943(2) as amended by Laws 1999, 1st Special Session, Ch. 4, §§10 and 13)

	FY 1999-2000 Student Count	x	Support Level Weight (from Work Sheet A)	=	Weighted Student Count
I. A. K-12 Weighted Student Count (1)					
1. K-8		x		=	
2. 9-12		x		=	
3. Total K-12 State Aid Student Count (I.A.1 + I.A.2)					
B. Student Count Add-Ons (2)					
1. Hearing Impairment		x	3.341	=	
2. K-3 (3)		x	0.050	=	
3. LEP (Limited English Proficient)		x	0.060	=	
4. MD-R, A-R, and SMR-R (4)		x	4.235	=	
5. MD-SC, A-SC, and SMR-SC (5)		x	5.015	=	
6. Multiple Disabilities Severe Sensory Impairment		x	6.025	=	
7. Orthopedic Impairment (Resource)		x	3.868	=	
8. Orthopedic Impairment (Self-Contained)		x	5.641	=	
9. ED, MIMR, SLD, SLI, and OHI (6)		x	0.003	=	
10. Emotionally Disabled (Private)		x	4.127	=	
11. Moderate Mental Retardation		x	4.244	=	
12. Visual Impairment		x	4.832	=	
13. Total Add-On Count (I.B.1 through I.B.12)					
II. Total Weighted Student Count (I.A.3 + I.B.13)					

NOTES:

(1) See Note (1), on Work Sheet A.

(2) Estimated student counts submitted by charter schools will be used for budget adoption for schools in operation during FY 1998-99. Estimated student counts should not exceed FY 1998-99 100th day student counts. Schools not in operation during FY 1998-99 should not enter student counts for budget adoption. After the 100th day in session for all schools, the student counts to determine the Add-On weighted counts should be obtained from the following ADE reports:

Add-On Category	ADE Report Name
K-3	Recalculated State Aid ADM Counts (ADMS 46-1)
LEP	Limited English Proficient (LEP) Students Served in Programs Under A.R.S. §15-754 (LEPS 10-1)
Children with Disabilities	Student Counts for Use in Budget Preparation (SPED 28)

(3) Laws 1999, 1st Special Session, Ch. 4, §13 increased the K-3 support level weight. Laws 1999, 1st Special Session, Ch. 1, §30 restricts the use of the additional monies and imposes certain reporting requirements. See instructions for more details.

(4) MD-R (Multiple Disabilities-Resource), A-R (Autism-Resource), and SMR-R (Severe Mental Retardation-Resource)

(5) MD-SC (Multiple Disabilities-Self-Contained), A-SC (Autism-Self-Contained), and SMR-SC (Severe Mental Retardation-Self-Contained)

(6) ED (Emotional Disabilities), MIMR (Mild Mental Retardation), SLD (Specific Learning Disability), SLI (Speech/ Language Impairment), and OHI (Other Health Impairments)

CHARTER SCHOOL ______________________ COUNTY ____________ CTD NUMBER ___________

WORK SHEET C

FY 1999-2000 BASE SUPPORT LEVEL (BSL)
(A.R.S. §15-943(3), A.R.S. §15-901(B)(2) as amended by Laws 1999, 1st Special Session, Ch. 4, §7, and Laws 1999, 1st Special Session, Ch. 5, §23)

		Increase (1)		
I.	FY 1999-2000 Base Level Amount (1)		$	
II.	Increase for Composite Score (2)		+	
III.	Increase for 200 Days of Instruction (3)		+	
IV.	Adjusted FY 1999-2000 Base Level Amount		= $	
V.	Total Weighted Student Count (from Work Sheet B, line II)		x	
VI.	FY 1999-2000 BSL		= $	
VII.	Decrease for Federal and State Monies Received for M&O Purposes (4)		- $	
VIII.	FY 1997-98 Non-Federal Audit Service Actual Expense (5)	$ ________ x 1.00 =	+ $	
IX.	Adjusted FY 1999-2000 BSL (to Work Sheet E, line I)		= $	

NOTES:

(1) A.R.S. §15-901(B)(2) as amended by Laws 1999, 1st Special Session, Ch. 4, §7 sets a base level amount for FY 1999-2000. However, Laws 1999, 1st Special Session, Ch. 5, §23 provides that charter schools will receive additional monies if actual state general fund revenues exceed forecasted revenues. The Increase column should be used to calculate the amount the BSL (right column) has been increased based on such additional appropriations. (See instructions for details and applicable base level amounts.)

(2) A.R.S. §15-747 allows schools to increase the base level amount by a percentage equal to the composite score calculated by the Arizona Department of Education (ADE). The composite score is based on the results of standardized norm-reference achievement tests and parent quality surveys administered by the Arizona State Board of Education to a random statewide representative sample of pupils/parents. Statute prescribes a composite score of 0.00197, unless a higher score is calculated by ADE. After the test and survey samples are administered, enter the higher of the statutorily prescribed or ADE calculated composite score on the line below and multiply it by the base level amount (line I) to obtain the allowable increase in the base level amount. Enter the result on line II. ________ x ____________ = ___________

(3) A.R.S. §15-902.02 as amended by Laws 1999, 1st Special Session, Ch. 4, §8 allows schools that provide 200 days of instruction to increase the base level amount by 5%. Enter 5% of the base level amount (line I) on line III.

(4) Enter the amount received from federal or state agencies for basic maintenance and operation of the school (except for Title 8, P.L. 103-382). If the charter school was a district school in FY 1998-99, and the Auditor General and ADE have determined that the charter school is operated for or by the same school district, include the BSL and additional assistance received for FY 1999-2000 for pupils who were enrolled in the district school in FY 1998-99. Do not include federal or state grants that are received for a specific purpose. This adjustment may result in a negative BSL. (A.R.S. §15-185 as amended by Laws 1999, 1st Special Session, Ch. 4, §2)

(5) A.R.S. §15-914(F) allows schools to increase their BSL if audit costs will be incurred for the budget year. Enter the FY 1997-98 non-federal expenses for audit services on line VIII and multiply that amount by the statutorily prescribed growth rate to obtain the allowable increase in BSL for the budget year. Enter the FY 1997-98 federal audit service expenses here. $ ___________

CHARTER SCHOOL ____________________ COUNTY ____________ CTD NUMBER ____________

WORK SHEET D

FY 1999-2000 ADDITIONAL ASSISTANCE (A.R.S. §15-185(B)(5))

		K-8		9-12
I. FY 1999-2000 Student Count (1)				
II. Additional Assistance per Student Count	x $	1,204.67	x $	1,404.01
III. FY 1999-2000 Additional Assistance	= $		= $	
IV. Total FY 1999-2000 Additional Assistance [III (K-8) + III (9-12)] (to Work Sheet E, line II)		$		

NOTE:

(1) FY 1999-2000 student count from Work Sheet B, col. 1,line 1.A.1 (K-8) and I.A.2 (9-12).

WORK SHEET E

EQUALIZATION BASE AND ASSISTANCE (A.R.S. §15-185(B)(5))

I. FY 1999-2000 Adjusted Base Support Level (from Work Sheet C, line IX) $ ____________ (1)
II. FY 1999-2000 Additional Assistance (from Work Sheet D, line IV) $ ____________
III. Total FY 1999-2000 Equalization Base/Assistance (I + II) $ ____________

NOTE:

(1) Amount may be negative as a result of the adjustment on Work Sheet C, line VII.

WORK SHEET F

ADJUSTMENT FOR FY 1998-99 200th-DAY ADM (A.R.S. §15-902.02)

(To be completed by schools who offered 200 days of instruction during FY 1998-99, otherwise leave blank)

I. Total Actual FY 1998-99 Equalization Base/Assistance (1) $ ____________
II. Total Estimated FY 1998-99 Equalization Base/Assistance (2) $ ____________
III. Adjustment (I - II) $ ____________
IV. Total FY 1999-2000 Equalization Base/Assistance (from Work Sheet E, line III) $ ____________
V. Adjusted FY 1999-2000 Equalization Base/Assistance (III + IV) $ ____________

NOTES:

(1) From FY 1998-99 Budget Work Sheet H, line VII based on 200th day student count.

(2) From final CHAR-55 report for FY 1998-99 dated June 1999.

Arizona
Department of Education

Office of
the Auditor General

USFRCS MEMORANDUM NO. 24

TO: Arizona Charter School Administrators

FROM: Magdalene D. Haggerty, Office of the Auditor General, Rita Sauv, Arizona Department of Education

DATE: June 28, 1999

SUBJECT: Transfer of Responsibilities Affecting State Board-Sponsored Charter Schools

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Laws 1999, 1st Special Session, Chapter 4, §15 (effective July 7, 1999) shifts certain responsibilities from the Office of the Auditor General to the Arizona State Board of Education and the Arizona State Board for Charter Schools. The changes in responsibilities listed below **apply only to state board-sponsored charter schools**.

Audit Contracts –

- On or after July 1, 1999, state board-sponsored charter schools should send audit contracts to the respective sponsoring board for approval.
- Audit contracts received in the Auditor General's Office by June 30, 1999, will be approved by the Auditor General's Office.
- Audit contracts received in the Auditor General's Office on or after July 1, 1999, will be returned to the sender to forward to the sponsoring board.

Completed Audits –

- Audit reports for fiscal year 1997-98 that are received in the Auditor General's Office by June 30, 1999, will be forwarded to the appropriate board for approval.
- Audit reports received in the Auditor General's Office on or after July 1, 1999, will be returned to the sender to forward to the sponsoring board.

Compliance with the *Uniform System of Financial Records for Arizona Charter Schools* (USFRCS) –

- On or after July 7, 1999, a state board-sponsored charter school's compliance with the USFRCS will be determined by its sponsor.

If you have any questions, please call the Office of the Auditor General, Accounting Services Division at (602) 553-0333, or the ADE School Finance Operations Unit at (602) 542-5695.

MH/RS/gr

Arizona
Department of Education

1912

Office of
The Auditor General

USFRCS MEMORANDUM NO. 25

TO: Arizona Charter School Administrators;
Administrators of School Districts Sponsoring Charter Schools

FROM: Magdalene D. Haggerty, Office of the Auditor General
Rita Sauv, Arizona Department of Education

DATE: September 15, 1999

SUBJECT: Charter School Annual Financial Report and Extracurricular Activities Fee Tax Credit Form for Fiscal Year 1998-99 (Supersedes USFRCS Memorandum No. 20)

Enclosed are the fiscal year 1998-99 Charter School Annual Financial Report (AFR) and Extracurricular Activities Fee Tax Credit form with instructions for their completion. The AFR has been revised to reflect recent legislation.

The AFR and Extracurricular Activities Fee Tax Credit form (Tax Credit form) should be submitted to the Arizona Department of Education (ADE), School Finance Operations Unit, by October 15, 1999. Schools should also submit the Tax Credit form to the Arizona Department of Revenue by the same date.

As required by ADE, these forms must be completed by all charter schools and in the format provided. **Schools exempted from all or part of the *Uniform System of Financial Records for Arizona Charter Schools* (USFRCS) must still file an AFR.**

Schools sponsored by school district governing boards must complete a charter school AFR in conjunction with the sponsoring district. A school district administrator must approve and sign each charter school AFR.

The enclosed AFR and Tax Credit form were developed using Microsoft Excel. Charter schools may download a copy of the forms from the Auditor General's website at www.auditorgen.state.az.us. Charter schools without Internet access may contact the Office of the Auditor General, Accounting Services Division at (602) 553-0333 to request a copy on disk. The computerized version is intended for use on IBM-compatible computers using Microsoft Excel version 5.0 or higher. (In the future, the computerized version will only be issued for IBM-compatible computers using Microsoft Excel 97 or higher). Instructions for using the computerized version are included with this memorandum. In addition to mailing the hard copy version, charter schools using the computerized forms are encouraged to submit the forms to ADE on disk, e-mail them to schoolfinance@mail1.ade.state.az.us, or upload the files to the district's home page at http://www.ade.state.az.us/SchoolFinance/districts/. A valid user ID and password, provided in the "Statement of Assurances" maintained by ADE Grants Management, are required to upload forms.

The following instructions are provided only for those line items that need further clarification. The school should report all amounts to the nearest dollar. Information should not be entered in the shaded areas.

All actual revenues, expenses, and account balances presented on the AFR and Tax Credit form must agree with the charter school's accounting records as of June 30, 1999. Revenue and expense account codes used in the AFR and Tax Credit form are from the USFRCS Chart of Accounts. Expense budget amounts should be taken from the charter school's most recently revised and adopted budget for fiscal year 1998-99. Since charter schools sponsored by school district governing boards do not file budgets with ADE, budget amounts are not required on the AFR for those schools.

Revenues must include cash receipts through June 30, 1999, and accrued revenues received after the end of the fiscal year. Examples of accrued revenues are cost reimbursement and entitlement programs, and interest earned on investments.

Expenses consist of all expenses incurred during the fiscal year, including expenses for goods and services received on or before June 30, 1999, but not paid for by that date. Examples of items requiring such treatment are included in the USFRCS, pages VI-G-10 and 11.

ANNUAL FINANCIAL REPORT—SCHOOLWIDE

The AFR presents condensed financial activity (i.e., beginning and ending balances, revenues and expenses, and budget to actual comparisons of expenses for the fiscal year) of the charter school for comparison purposes. This information assists sponsors, school governing boards, administrators, ADE, legislators, other governmental agencies, and taxpayers in determining whether charter schools are meeting their stewardship responsibilities.

Cover Page

There are two cover pages included with this memorandum. One is for schools sponsored by the Arizona State Board of Education (ASBE) or the Arizona State Board for Charter Schools (ASBCS). The other cover page is for charter schools sponsored by a school district governing board. Schools should ensure that the appropriate page is used.

Charter schools sponsored by the ASBE or the ASBCS should enter the charter school's County, Type, and District numbers on the cover page and each page of the AFR. Charter schools sponsored by a school district governing board should also include the charter school's School number used to report membership and other student count data in fiscal year 1999, the name of the sponsoring district, and a district administrator's signature.

Page 1, Schoolwide Revenue

Report all revenues received by the school on this page, including federal and state project revenues.

Charter schools sponsored by school district governing boards should report payments received from the sponsoring school district on line 5. The charter school (and the responsible school district administrator) should ensure that the amount on line 5 agrees to the total expenditures reported on the district's school-by-school AFR for the charter school (ADE/AG 41-202SCH Rev. 9/99) included with Uniform System of Financial Records Memorandum No. 165.

Page 2, Schoolwide Expenses

The total of budget and actual federal and state project expenses (project codes 1100 through 1499) should be included on line 32. Schools should not include federal and state project expenses with other schoolwide project expenses on lines 1 through 31. The total of budgeted and actual expenses on line 32 should agree with the total of federal and state project expenses on line 33 of page 5.

Page 3, Supplementary Information

Current Assets and Current Liabilities (Section A)

Lines 1 and 2. Enter the beginning balances at July 1, 1998, and the ending balances at June 30, 1999, of current assets and current liabilities.

Current assets are resources that can be readily converted into cash within one year, or goods or services expected to be consumed within one year (i.e., unrestricted cash, marketable securities, accounts and grants receivable, inventory, or prepaid expenses). Current liabilities are obligations expected to be paid from current assets or transferred to income within one year (i.e., accounts payable, current portion of notes or capital leases payable, or accrued payroll and related benefits).

Line 3. Enter the difference between total current assets and total current liabilities (line 1 minus line 2).

Audit Services (Section C)

Record amounts expended in fiscal year 1998-99 for audit services. The amount reported on this line should not include amounts expended for audits of federal program monies.

Capital Acquisitions (Section D)

Enter the total increase in fixed assets, by asset classification, recorded in the general ledger and on the fixed assets list for the year ended June 30, 1999. These amounts represent only the acquisitions made during the year.

Line 1. Enter the total cost of all land and improvements costing $3,000 or more.

Line 2. Enter the total cost of all buildings and improvements costing $3,000 or more.

Line 3. Enter the total cost of all equipment costing $300 or more and having useful lives of one year or more.

NOTE: If the school's policy is to include furniture and equipment costing less than $300 and land, buildings, and related improvements costing less than $3,000 on the fixed assets list, these items should also be included.

Line 4. Enter the total cost of construction in progress as of June 30, 1999. This amount is not recorded on the fixed assets list until the project is completed. Therefore, it will not appear on the fixed assets list as of June 30, 1999.

Investment in Fixed Assets (Section E)

Enter the total cost, by asset classification, recorded in the general ledger and on the fixed assets list as of June 30, 1999. These amounts represent the ending balances in the fixed assets accounts.

Line 1. Enter the total cost of all land and improvements costing $3,000 or more.

Line 2. Enter the total cost of all buildings and improvements costing $3,000 or more.

Line 3. Enter the total cost of all equipment costing $300 or more and having useful lives of one year or more.

Note: If the school's policy is to include furniture and equipment costing less than $300 and land, buildings, and related improvements costing less than $3,000 on the fixed assets list, these items should also be included. The sum of lines 1, 2, and 3 should agree with the amount recorded on the school's fixed assets list as of June 30, 1999.

Line 4. Enter the total cost of construction in progress as of June 30, 1999. This amount is not recorded on the fixed assets list as of June 30, 1999.

Current Expenses by Category (Section H)

Current expenses required to be reported include all expenses for elementary and secondary education excluding outlays for facilities acquisition and construction, and debt retirement. Current expenses do not include expenses for nonpublic school programs (e.g., adult/continuing education, community college education, community services, etc.).

The following table presents the current expenses by account codes that should be included in each of the reporting categories. Do not include expenses coded to Program Codes 600, 700, 800, and 900.

REPORTING CATEGORY	CHART OF ACCOUNTS
Classroom Instruction excluding Classroom Supplies	(Function 1000) less (Function 1000, Object Code 6600)
Classroom Supplies	Function 1000, Object Code 6600
Administration	Functions 2300 and 2400
Support Services—Students	Function 2100
Nonstudent Support Services and Operations	Functions 2200, 2500, 2600, 2700, 2800, 2900, 3100, and 3400

A.R.S. §15-746(A)(4) requires districts to include the above information in their School Report Cards. ADE will be issuing a separate form for districts to report this information for each school.

Page 4

Enrollment of Gifted Students by Grade (Section A)

Lines 1 through 3. Enter the number of students enrolled in each area of identification by grade.

Line 4. Calculate the Total Duplicated Enrollment by adding the number of students recorded on lines 1 through 3 for each grade.

Enrollment of Gifted Students by Ethnicity (Section B)

Line 6. Calculate the Total Unduplicated Enrollment by counting all students only once. The Unduplicated Enrollment (Section B, line 6) cannot be greater than the Duplicated Enrollment (Section A, line 4).

Expenses for Gifted Students (Elementary, Secondary, and Total) (Section C)

Enter the actual expenses for all gifted programs for grades K-8, 9-12, and in total. The total expenses for all grades must agree with the actual amount recorded on line 14 of Section D of this page.

Special Education Programs by Type (Section D)

Supporting documentation should be retained for the allocation of expenses to individual special education programs. The total expense amounts must agree with the total for programs 200 and 300 on page 2.

Page 5, Federal and State Projects

Amounts for indirect costs, expenses, capital acquisitions, and ending balance should agree with the school's completion reports filed with the ADE Grants Management Office. In addition, the total budget and actual expenses on line 33 should agree with the total column for federal and state projects on line 32 of page 2.

Page 6, Food Service

Specific instructions for completing page 6 can be found in the enclosed *Charter Schools Food Service Annual Financial Report Instructions*.

ANNUAL FINANCIAL REPORT—SCHOOL-BY-SCHOOL

Charter schools must fill out one copy of the school-by-school AFR pages 1, 2, and 3 for each charter school campus. In addition, in order to consistently report expenses for special education between charter schools, charter schools are required to report special education expenses (all program 200 and 300 expenses) as a separate campus called "Special Education." These expenses must not be included in the individual campus' AFRs. If a charter school has one or more campuses that are used solely for special education, these campuses must be combined with all other charter school special education expenses and reported on the "Special Education" AFR pages 1s, 2s, and 3s.

There are two cover pages included for the school-by-school AFR. One is for schools sponsored by the ASBE or the ASBCS. The other cover page is for charter schools sponsored by a school district governing board. Schools should ensure that the appropriate page is used.

Charter schools sponsored by the ASBE or the ASBCS should enter the charter school's County, Type, and District numbers on the cover page. They should also include the campus' School number on the individual campus' AFR. Charter schools sponsored by a school district governing board should include the same information, however, the School number will be the same on each campus' AFR.

School district sponsored charter schools that have multiple sites, but reported all of their ADM as a single campus, must separately report the ADM on the individual campus' AFRs.

As charter schools were not required to budget on a school-by-school basis for fiscal year 1998-99, the Total Budget column on each page has been shaded. Do not include amounts in these columns.

The total of all campuses (including the "Special Education" campus) for each line of the school-by-school AFR, must agree to the amounts reported on the schoolwide AFR. To help ensure that amounts agree, charter schools must include both direct and indirect actual expenses on each campus' AFR.

Direct and Indirect Expenses

Direct expenses are those that can be specifically assigned to a campus (coded to the campus' unit code). The direct expenses for each campus must be recorded in the appropriate direct expenses column on each page of the campus' AFR.

Indirect expenses are those related to the charter school as a whole that cannot be directly assigned to a specific campus (coded to the Schoolwide unit code). The indirect or schoolwide expenses for each campus are reported in the Schoolwide Allocation of Actual Expenses column on each page of the campus AFR. Indirect expenses are distributed to each campus except the "Special Education" campus based on the appropriate allocation base.

Allocation Bases

Allocation ADM—The primary allocation base is the Allocation ADM calculated on page 3 of the forms. Allocation ADM should be used except as shown below.

Pupil Transportation—Charter schools that do not use separate program codes for regular education and special education pupil transportation expenses should not enter amounts in the columns for direct expenses on "Special Education" campus AFR page 1s, line 24. All direct expenses should be assigned to the appropriate regular education campus. Then, the charter school must allocate the indirect pupil transportation expenses between regular and special education as follows:

$$\frac{\text{\# of Special Ed PT Vehicles}}{\text{Total \# of PT Vehicles}} \mathbf{X} \text{ Indirect Expenses} = \text{Special Ed allocation}$$

PT Vehicles = Pupil Transportation Vehicles (buses and vans)

The indirect pupil transportation expenses allocated to special education must be entered in the Schoolwide Allocation of Actual Expenses column on page 1s, line 24 of the "Special Education" campus AFR. The remaining indirect pupil transportation expenses must be allocated among the regular education campuses based on the population served at each campus.

Charter schools that use separate program codes for regular education and special education pupil transportation expenses should enter amounts coded to special education in the direct expenses column on "Special Education" campus AFR page 1s, line 24. Regular education direct pupil transportation expenses should be recorded on the appropriate campus' AFR page 1, line 24. Indirect pupil transportation expenses must be allocated among the regular education campuses based on the population served at each campus. No amount should be entered in the Schoolwide Allocation of Actual Expenses column on the "Special Education" campus AFR page 1s, line 24.

Meals Served—Number of meals (breakfast and lunch) served to teachers and students at a campus. For snack and a la carte sales, divide the total of such sales by the free lunch reimbursement rate to obtain an equivalent meal count.

Page 1		
Lines 8	Function 3000	(Food Service portion)

Population Served—The number of participants provided a service based on the nature of the program.

Page 1		
Line 24	Program 400	(Student Transportation)

Page 2

Lines 1-18	Federal Projects
Lines 20-31	State Projects

Page 1

The Schoolwide Allocation of Actual Expenses column must include the individual campus' portion of those actual expenses not directly assignable to any campus of the charter school.

Do not include actual expenses for programs 200 or 300 on this page for the individual campuses. These actual expenses must be combined for all campuses and reported on the "Special Education" campus AFR.

Page 2

Federal and State Project Funds

Do not include actual expenses for programs 200 or 300 in the individual campus AFRs. These amounts must be combined for all campuses and reported on the "Special Education" campus AFR.

Page 3

Supplementary Information

The "Allocation ADM" must be reported for each campus except the "Special Education" campus.

Special Education Program Expenses By Type

Do not include actual expenses or the Number of Students Served in the individual campus AFRs. These amounts must be combined for all campuses and reported on the "Special Education" campus AFR.

Capital Acquisitions

The Schoolwide Allocation of Actual Expenses column must include the individual campus' portion of those expenses not directly assignable to any campus of the charter school.

Special Education

As noted in the instructions above, charter schools must combine all special education expenses and report them as direct expenses on the "Special Education" campus AFR.

Do not include any amounts (other than a pupil transportation allocation if the charter school does not use separate program codes for special education) in the Schoolwide Allocation of Actual Expenses column for the "Special Education" campus.

EXTRACURRICULAR ACTIVITIES FEE TAX CREDIT

The Extracurricular Activities Fee Tax Credit form presents revenues received in support of extracurricular activities as defined in Arizona Revised Statutes §43-1089.01 and the related expenses. Schools should list each campus separately. The form should be submitted to ADE and the Arizona Department of Revenue (DOR). DOR's copy should be sent to the following address.

Econometrics Section
Arizona Department of Revenue
1600 West Monroe, 9th Floor
Phoenix, AZ 85007

COMPUTERIZED VERSION INSTRUCTIONS

The computerized version consists of three files.

1. afr99.xls includes the cover pages and pages 1 through 6 of the AFR.
2. afrschool99.xls includes the cover pages and pages 1 through 3 of the school-by-school AFR.
3. credit99.xls includes the Extracurricular Activities Fee Tax Credit form.

It is a good idea to make a backup copy of the files before using them. The files should be loaded onto the C:\CSFORMS subdirectory.

Each sheet within the files has been protected to prevent accidental deletion of formulas. However, a password was not assigned, so the sheets may be unprotected to make minor formatting changes such as row height, column width, and font size. To ensure the accuracy of the calculations, changes should not be made to any formulas. To unprotect an individual sheet, select Tools/Protection/Unprotect Sheet from the menu bar. Once changes have been made, the sheet should be re-protected by reversing this process. **It is important to re-protect the sheet so that formulas are not accidentally altered or deleted.**

Using the AFR

Grid lines have been turned off (Tools/Options/View) in order to make the lines used in the forms easier to see. Users may turn the grid lines back on without affecting the calculations or printing of the spreadsheet.

The school name, county, and number should be entered on the cover page of the AFR. Schools sponsored by the ASBE or ASBCS should use the cover page labeled "Cover Page-ASBE or ASBCS." Schools sponsored by a school district governing board should use the cover page labeled "Cover Page-School District." This information will be automatically transferred to the other sheets in the file. If not, verify that information has not been entered on the unused cover page. **Do not delete the unused cover page as this will cause an error in the formulas.** The campus name and number should be entered on the first line of each campus sheet in the school-by-school AFR forms. This information will be automatically transferred to each page on that sheet.

The spreadsheets will automatically perform mathematical calculations and bring forward certain amounts from one AFR page to another. Therefore, information can and should be entered only in unprotected cells. Users can move from one unprotected cell to another on a sheet by using the Tab key.

Some input fields contain multiple cells, only one of which has been left unprotected. If schools are unable to input information in one cell, they should try another cell in the field.

Schoolwide AFR

The cells in the budget columns on the AFR contain formulas that will bring forward budget amounts from the FY 1998-99 budget forms. However, the cells have not been protected so users may also enter the information manually. To bring forward amounts automatically, the budget99.xls file for the most recently revised FY 1998-99 budget must be saved in the C:\CSFORMS subdirectory. Excel should ask the user to update information when the afr99.xls file is opened.

School-By-School AFR

Schools should prepare their schoolwide AFR prior to preparing the school-by-school AFR. Once the schoolwide AFR is complete, additional sheets should be created in the school-by-school AFR file (one for each school) and amounts should be entered for the individual school's direct expenses.

The afrschool99.xls file contains a sheet for the cover, totals, campus 1, and the special education campus. Schools that need to add more campuses should click the button on the cover page and add as many campuses as needed. **New sheets must be added before any information is entered on the "Campus 1" sheet as new sheets will be copies of that sheet** Schools should rename each sheet to indicate the campus name or number as desired.

For each campus AFR, the Schoolwide Allocation of Actual Expenses column will automatically calculate the allocation based on information entered in the schoolwide AFR, Direct Expenses columns of the campus AFRs, the allocation bases section below page 3 on the individual campus AFR sheets, and the food service allocation section below page 3 on the Totals sheet.

For the "Special Education" campus, page 1s will automatically pull all program 200 and 300 actual expenses from page 1 of the schoolwide AFR. In addition, page 3s, Special Education Program Expenses By Type will automatically pull from page 2 of the schoolwide AFR. Schools need to enter all other information manually.

For each individual campus, information should be entered in the following order:

1. Campus name and CTDS number on page 1
2. Allocation base information (below page 3)

3. ADM information on page 3
4. Direct expenses on all pages

As information is entered in the allocation bases and direct expenses areas, the Schoolwide Allocation of Actual Expenses column amounts will continually update.

After all campus AFR information is entered, the Totals sheet should be printed and compared by line to the schoolwide AFR. The amounts on the Totals pages should agree to the schoolwide AFR with minor rounding error.

Printing

The AFR has been formatted to print on legal-size paper (8½" x 14") at "Actual Size" (100%). The Extracurricular Activities Fee Tax Credit form has been formatted to print on letter-size paper (8½" x 11") at "Actual Size" (100%). Since the minimum margin setting for your printer may differ from what was used to set up these files, a little experimentation may be needed to get each sheet to print on one page. Users should try changing the "scaling" under Page Setup. All legal-size pages should have at least a 0.75" left margin.

If you have any questions, please call the ADE School Finance Operations Unit at (602) 542-5695, or the Office of the Auditor General, Accounting Services Division at (602) 553-0333. Questions regarding the computerized version should be referred to the Office of the Auditor General. Questions regarding electronic submission of the AFR should be referred to ADE.

MH/RS/gr
Enclosures

CHARTER SCHOOL ____________________ **COUNTY** __________

NUMBER ________ / ________ / ________
County **Type** **District**

We, the Governing Board of the Charter School, hereby certify the
Annual Financial Report
for the Fiscal Year
1998-99

SIGNATURE/DATE	**TITLE**

School Employee to contact for further information

Name ____________________
Telephone Number ____________

Rev. 9/99

This page for use by state board-sponsored charter schools only.

CHARTER SCHOOL **COUNTY**

NUMBER / / /
County **Type** **District** **School**

We, the Governing Board of the Charter School, hereby certify the
Annual Financial Report
for the Fiscal Year
1998-99

This report is an integral part of the Annual Financial Report
for School District No.

SIGNATURE/DATE	**TITLE**

School District Administrator:

School Employee to contact for further information

Name
Telephone Number

Rev. 9/99

This page for use by school district-sponsored charter schools only.

CHARTER SCHOOL ______________________ COUNTY ________________ CTD(S) NUMBER ______________

		ACTUAL	
	SCHOOLWIDE REVENUE		
	1000 Local Sources		
1.	1420 Transportation Fees from Other Arizona Schools or Districts		1.
2.	1500 Earnings on Investments		2.
3.	1600 Food Service Sales		3.
4.	1700 Activities		4.
5.	1940 Revenue from Sponsoring School District		5.
6.	Other Revenue from Local Sources (specify) ______________		6.
7.	**Subtotal (lines 1-6)**	0	7.
	2000 Intermediate Sources		
8.	2100 Unrestricted Grants-in-Aid		8.
9.	2200 Restricted Grants-in-Aid		9.
10.	2900 Revenue for/on Behalf of the School		10.
11.	Other Revenue from Intermediate Sources (specify) ______________		11.
12.	**Subtotal (lines 8-11)**	0	12.
	3000 State Sources		
13.	3110 State Equalization Assistance		13.
14.	3130-3150 Other Unrestricted Grants-in-Aid		14.
15.	3200 Restricted Grants-in-Aid		15.
16.	Other Revenue from State Sources (specify) ______________		16.
17.	**Subtotal (lines 13-16)**	0	17.
	4000 Federal Sources		
18.	4100, 4300 Grants-in-Aid Received Directly from the Federal Government		18.
19.	4200, 4500 Grants-in-Aid Received from the Federal Government through the State		19.
20.	4700 Grants-in-Aid from the Federal Government through Other Intermediate Agencies		20.
21.	4900 Revenue for/on Behalf of the School		21.
22.	Other Revenue from Federal Sources (specify) ______________		22.
23.	**Subtotal (lines 18-22)**	0	23.
24.	**TOTAL REVENUE FROM ALL SOURCES (lines 7, 12, 17, and 23)**	0	24.

CHARTER SCHOOL ____________________ COUNTY ____________ CTD(S) NUMBER ____________

SCHOOLWIDE EXPENSES

Expenses		SALARIES 6100	EMPLOYEE BENEFITS 6200	PURCHASED SERVICES 6300, 6400, 6500	SUPPLIES 6600	OTHER 6800	TOTALS		
							BUDGET	ACTUAL	
100 Regular Education									
1000 Instruction	1.						0	0	1.
Support Services									
2100 Student	2.						0	0	2.
2200 Instructional Staff	3.						0	0	3.
2300 General Administration	4.						0	0	4.
2400 School Administration	5.						0	0	5.
2600 Operations and Maintenance of Plant Services	6.						0	0	6.
2500, 2800, 2900 Other Support Services	7.						0	0	7.
3000 Operation of Noninstructional Services	8.						0	0	8.
4000 Facilities Acquisition & Construction Services	9.						0	0	9.
5000 Debt Service	10.						0	0	10.
Subtotal (lines 1-10)	11.	0	0	0	0	0	0	0	11.
200 Special Education									
1000 Instruction	12.						0	0	12.
Support Services									
2100 Student	13.						0	0	13.
2200 Instructional Staff	14.						0	0	14.
2300 General Administration	15.						0	0	15.
2400 School Administration	16.						0	0	16.
2600 Operations and Maintenance of Plant Services	17.						0	0	17.
2500, 2800, 2900 Other Support Services	18.						0	0	18.
3000 Operation of Noninstructional Services	19.						0	0	19.
4000 Facilities Acquisition & Construction Services	20.						0	0	20.
5000 Debt Service	21.						0	0	21.
Subtotal (lines 12-21)	22.	0	0	0	0	0	0	0	22.
300 Special Education, Title 8, P.L. 103-382	23.						0	0	23.
400 Pupil Transportation	24.						0	0	24.
530 Dropout Prevention Programs	25.						0	0	25.
540 Joint Vocational and Technical Center	26.						0	0	26.
600 Other Instructional Programs	27.						0	0	27.
700 Adult/Continuing Education Programs	28.						0	0	28.
800 Community College Education Programs	29.						0	0	29.
900 Community Services Programs	30.						0	0	30.
Subtotal (lines 11 and 22-30)	31.	0	0	0	0	0	0	0	31.
Federal and State Projects*	32						0	0	32.
Total (lines 31 and 32)	33						0	0	33.

*** Total budget and actual expenses should agree with line 34 on page 5.**

CHARTER SCHOOL ______________________ COUNTY ____________ CTD(S) NUMBER ____________

SUPPLEMENTARY INFORMATION

A. CURRENT ASSETS & CURRENT LIABILITIES

	July 1, 1998	June 30, 1999
1. Current Assets	$	$
2. Current Liabilities	$	$
3. Difference	$ 0	$ 0

	July 1, 1998	June 30, 1999
B. CASH BALANCE	$	$

C. AUDIT SERVICES

	BUDGET	ACTUAL
1. Non-Federal		
2. Federal		
3. Total (lines 1 and 2)	0	0

D. CAPITAL ACQUISITIONS

	BUDGET	ACTUAL
1. 0181 Land and Improvements	0	
2. 0182 Buildings and Improvements	0	
3. 0183 Equipment	0	
4. 0184 Construction in Progress	0	
5. Total (lines 1-4)	0	0

E. INVESTMENT IN FIXED ASSETS AS OF JUNE 30, 1999

1. 0181 Land and Improvements	
2. 0182 Buildings and Improvements	
3. 0183 Equipment	
4. 0184 Construction in Progress	
5. Total (lines 1-4)	0

F.

1. Total Classroom Teacher Salaries (Function 1000, Object Code 6100)	$
2. Number of Schools	
3. Actual Days in Session	

G. Does the school wish to have indirect cost rates calculated for use in federally funded programs? YES ____ NO ____
If YES, the following information must be completed to qualify for approved Indirect Cost Rates for Fiscal Year 2000-2001.

Do not include costs related to transportation for the following items. Refer to USFRCS Chart of Accounts, section III, for description of the following project, function, and object codes:

1. Total Business and Fiscal Services Expenses (Function 2500)	$
2. Contracted Audit Fees included in line 1 above	$
3. Total Support Services - Central Expenses (Function 2800)	$
4. Total Expenses for Communications (Object Code 6530)	$
5. Total Expenses for Operation and Maintenance of Plant (Function 2600)	$
6. Land and Building Lease Payments included in line 5 above	$

H. CURRENT EXPENSES BY CATEGORY

1. Classroom Instruction excluding Classroom Supplies	$
2. Classroom Supplies	$
3. Administration	$
4. Support Services - Students	$
5. Nonstudent Support Services and Operations	$
6. Total	$ 0

CHARTER SCHOOL ______________________ **COUNTY** __________ **CTD(S) NUMBER** __________

SUPPLEMENTARY INFORMATION (Cont'd)

A. ENROLLMENT OF GIFTED STUDENTS BY GRADE

	GRADE														
Areas of Identification	K	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL	
1. Quantitative Reasoning														0	1.
2. Verbal Reasoning														0	2.
3. Non-Verbal Reasoning														0	3.
4. Total Duplicated Enrollment (lines 1 through 3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4. (1)

B. ENROLLMENT OF GIFTED STUDENTS BY ETHNICITY

	Total Number Gifted Students
1. White, not Hispanic	
2. Black, not Hispanic	
3. Hispanic	
4. American Indian/Alaskan Native	
5. Asian or Pacific Islander	
6. Total Unduplicated Enrollment	0 (1)

C. EXPENSES FOR GIFTED STUDENTS (ELEMENTARY, SECONDARY, AND TOTAL)

Actual Expenses for all Gifted Programs:

K-8 $ __________

9-12 $ __________

Total $ 0 (2)

D. SPECIAL EDUCATION PROGRAMS BY TYPE

	BUDGET	ACTUAL	
1. Autism	0		1.
2. Emotional Disability	0		2.
3. Hearing Impairment	0		3.
4. Other Health Impairments	0		4.
5. Specific Learning Disability	0		5.
6. Mild, Moderate, or Severe Mental Retardation	0		6.
7. Multiple Disabilities	0		7.
8. Multiple Disabilities with SSI*	0		8.
9. Orthopedic Impairment	0		9.
10. Speech/Language Impairment	0		10.
11. Traumatic Brain Injury	0		11.
12. Visual Impairment	0		12.
13. Subtotal (lines 1 through 12)	0	0	13.
14. Gifted Education (2)	0		14.
15. Bilingual Education	0		15.
16. Remedial Education	0		16.
17. Vocational and Technical Education	0		17.
18. Career Education	0		18.
19. Total (lines 13 through 18) (3)	0	0	19.

* Severe Sensory Impairment

(1) Total Enrollment in Section B cannot be greater than Section A.

(2) Total Actual Gifted Expenses in Sections C and D must agree.

(3) Total Actual Expenses must agree with the total for Programs 200 and 300 on page 2.

CHARTER SCHOOL ______________________ **COUNTY** ______________ **CTD(S) NUMBER** __________

SCHOOLWIDE SPECIAL PROJECTS

		BEGINNING BALANCE	REVENUE	INDIRECT COSTS	REVERSIONS	EXPENSES*		CAPITAL ACQUISITIONS	ENDING BALANCE	
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	ACTUAL	ACTUAL	ACTUAL	
FEDERAL PROJECTS										
1100-1130 ESEA, Title I - Helping Disadvantaged Children	1.					0			0	1.
1140 ESEA, Title II - Eisenhower Prof. Dev.	2.					0			0	2.
1150 ESEA, Title III - Technology for Education	3.					0			0	3.
1160 ESEA, Title IV - Safe and Drug-Free Schools	4.					0			0	4.
1170 ESEA, Title V - Promoting Equity	5.					0			0	5.
1180 ESEA, Title VI - Innovative Ed. Program Strat.	6.					0			0	6.
1190 ESEA, Title VII - Bilingual Ed., Lang. Enhancement	7.					0			0	7.
1200 ESEA, Title IX - Indian Education	8.					0			0	8.
1210 ESEA, Title X - Programs of National Significance	9.					0			0	9.
1220 IDEA, Part B	10.					0			0	10.
1230 Johnson-O'Malley	11.					0			0	11.
1240 Job Training Partnership Act (JTPA)	12.					0			0	12.
1250 AEA - Adult Education	13.					0			0	13.
1260-1280 Vocational Education - Basic Grants	14.					0			0	14.
1290 Medicaid Reimbursement	15.					0			0	15.
1295 Goals 2000	16.					0			0	16.
1300 Charter School Implementation Project (Stimulus)	17.					0			0	17.
13__ E-Rate	18.								0	18.
1310-1399 Other Federal Projects (excluding amount on line 18)	19.					0			0	19.
Total Federal Projects (lines 1 through 19)	20.	0	0	0	0	0	0	0	0	20.
STATE PROJECTS										
1400 Vocational Education	21.					0			0	21.
1410 Early Childhood Block Grant	22.					0			0	22.
1420 Handicapped Pupils - Extended School Year	23.					0			0	23.
1425 Adult Basic Education	24.								0	24.
1430 Chemical Abuse Prevention Programs	25.					0			0	25.
1435 Academic Contests	26.					0			0	26.
1445 At-Risk Pupil Dropout Prevention Proj. (7-12)	27.					0			0	27.
1450 Gifted	28.					0			0	28.
1455 Family Literacy Pilot Program	29.					0			0	29.
1460 Environmental Special Plate	30.					0			0	30.
1465 Charter School Stimulus Fund	31.					0			0	31.
1470-1499 Other State Projects	32.					0			0	32.
Total State Projects (lines 21 through 32)	33.	0	0		0	0	0	0	0	33.
Total Special Projects (lines 20 & 33)*	34.	0	0	0	0	0	0	0	0	34.

*Total budget and actual expenses on line 34 must agree with line 32 on page 2.

CHARTER SCHOOL ____________________ **COUNTY** ____________ **CTD(S) NUMBER** __________

FOOD SERVICE

REVENUES		ACTUAL
1510 Interest on Investments	1.	
1600 Food Service Sales	2.	
1900 Other Revenues From Local Sources	3.	
4500 Reimbursement Received From the Federal Government Through the State	4.	
TOTAL REVENUE (lines 1 through 4)	5.	0

EXPENSES		ACTUAL
6100 Personal Services - Salaries	6.	
6200 Personal Services - Employee Benefits	7.	
6530 Communications	8.	
6570 Food Service Management	9.	
6610 General Supplies	10.	
6620 Utilities	11.	
6631 Freight Charges for USDA Commodities	12.	
6632 Other Food	13.	
6800 Other Expenses	14.	
0180 Fixed Assets (Excluding 0183)	15.	
0183 Equipment	16.	
TOTAL EXPENSES (lines 6 through 16)	17.	0

A. Fair Market Value of USDA Commodities Received $ __________

B. Number of operating months __________

C. Number of Meals Served

	BREAKFASTS	LUNCHES
1. Children's Reimbursable Meals		
2. Adult Worker		
3. Other Adult		

D. Meal Prices

	K-6	7-8	9-12	ADULT
Reduced Lunch				▨
Reduced Breakfast				▨
Paid Lunch				
Paid Breakfast				

E. Number of Snacks, A La Carte Servings, and Any Non-reimbursable:* __________

* Divide all snacks, a la carte, and catering revenues by the free lunch reimbursement rate received.

F. Special Milk Program Charge to Children $ __________

	July 1, 1998	June 30, 1999
G. Cash Balances	$ __________	$ __________

CHARTER SCHOOL ____________________ COUNTY ____________ CTD NUMBER ____________

Annual Financial Report
School-By-School Basis
for the Fiscal Year
1998-99

Number of Individual Campuses Reported (Including Special Education Campus) 0

This page for use by state board-sponsored charter schools only.

CHARTER SCHOOL ______________________ **COUNTY** __________ **CTDS NUMBER** __________

Annual Financial Report
School-By-School Basis
for the Fiscal Year
1998-99

Number of Individual Campuses Reported (Including Special Education Campus) 0

This page for use by school district-sponsored charter schools only.

CHARTER SCHOOL ______________ **CAMPUS** Totals **CTDS NUMBER** Totals

Expenses		Direct Actual Expenses: Salaries 6100	Direct Actual Expenses: Employee Benefits 6200	Direct Actual Expenses: Purchased Services 6300, 6400, 6500	Direct Actual Expenses: Supplies 6600	Direct Actual Expenses: Other 6800	Schoolwide Allocation of Actual Expenses	Totals: **Budget**	Totals: Actual	
100 Regular Education										
1000 Instruction	1.	0	0	0	0	0	**0**		0	1.
Support Services										
2100 Student	2.	0	0	0	0	0	**0**		0	2.
2200 Instructional Staff	3.	0	0	0	0	0	**0**		0	3.
2300 General Administration	4.	0	0	0	0	0	**0**		0	4.
2400 School Administration	5.	0	0	0	0	0	**0**		0	5.
2600 Operations and Maintenance of Plant Services	6.	0	0	0	0	0	**0**		0	6.
2500, 2800, 2900 Other Support Services	7.	0	0	0	0	0	**0**		0	7.
3000 Operation of Noninstructional Services	8.	0	0	0	0	0	**0**		0	8.
4000 Facilities Acquisition & Construction Services	9.	0	0	0	0	0	**0**		0	9.
5000 Debt Service	10.	0	0	0	0	0	**0**		0	10.
Subtotal (lines 1-10)	11.	0	0	0	0	**0**	**0**		0	11.
200 Special Education										
1000 Instruction	12.	0	0	0	0	**0**			0	12.
Support Services										
2100 Student	13.	0	0	0	0	**0**			0	13.
2200 Instructional Staff	14.	0	0	0	0	**0**			0	14.
2300 General Administration	15.	0	0	0	0	**0**			0	15.
2400 School Administration	16.	0	0	0	0	**0**			0	16.
2600 Operations and Maintenance of Plant Services	17.	0	0	0	0	**0**			0	17.
2500, 2800, 2900 Other Support Services	18.	0	0	0	0	**0**			0	18.
3000 Operation of Noninstructional Services	19.	0	0	0	0	**0**			0	19.
4000 Facilities Acquisition & Construction Services	20.	0	0	0	0	**0**			0	20.
5000 Debt Service	21.	0	0	0	0	**0**			0	21.
Subtotal (lines 12-21)	22.	0	0	0	0	**0**			0	22.
300 Special Education, Title 8, P.L. 103-382	23.	0	0	0	0	**0**			0	23.
400 Pupil Transportation	24.	0	0	0	0	0	**0**		0	24.
530 Dropout Prevention Programs	25.	0	0	0	0	0	**0**		0	25.
540 Joint Vocational and Technical Center	26.	0	0	0	0	0	**0**		0	26.
600 Other Instructional Programs	27.	0	0	0	0	0	**0**		0	27.
700 Adult/Continuing Education Programs	28.	0	0	0	0	0	**0**		0	28.
800 Community College Education Programs	29.	0	0	0	0	0	**0**		0	29.
900 Community Services Programs	30.	0	0	0	0	0	**0**		0	30.
Subtotal (lines 11 and 22-30)	31.	**0**	**0**	**0**	**0**	**0**	**0**		0	31.
Federal and State Projects*	32.								0	32.
Total (lines 31 and 32)	33.								0	33.

*** Total budget and actual expenses should agree with line 34 on page 2.**

Rev. 9/99

276

275

CHARTER SCHOOL ______________________

CAMPUS Totals

CTDS NUMBER Totals

SPECIAL PROJECTS

		Direct Actual Expenses	Schoolwide Allocation of Actual Expenses	Total		
				Budget	Actual	
	FEDERAL PROJECTS					
1	1100-1130 ESEA Title I	0	0		0	1.
2	1140 ESEA Title II - Dwight D. Eisenhower Prof. Dev	0	0		0	2.
3	1150 ESEA Title III - Technology for Education	0	0		0	3.
4	1160 ESEA Title IV - Safe & Drug-Free Sch. & Comm	0	0		0	4.
5	1170 ESEA Title V - Promoting Equity	0	0		0	5.
6	1180 ESEA Title VI - Innovative Educ. Prog. Strat	0	0		0	6.
7	1190 ESEA Title VII - Bilingual Education	0	0		0	7.
8	1200 ESEA Title IX - Indian Education	0	0		0	8.
9	1210 ESEA Title X - Programs of National Signif.	0	0		0	9.
10.	1220 IDEA, Part B	0	0		0	10.
11.	1230 Johnson-O'Malley	0	0		0	11.
12.	1240 Job Training Partnership Act (JTPA)	0	0		0	12.
13.	1250 AEA - Adult Education	0	0		0	13.
14.	1260-1280 Vocational Education - Basic Grants	0	0		0	14.
15.	1290 Medicaid Reimbursement	0	0		0	15.
16.	1295 Goals 2000	0	0		0	16.
17.	1300 Charter School Implementation Proj. (Stimulus)	0	0		0	17.
18.	13__ E-Rate	0	0		0	18.
19.	1310-1399 Other Federal Projects	0	0		0	19.
20.	Total Federal Project Funds (lines 1-19)	0	0		0	20.
	STATE PROJECTS					
21.	1400 Vocational Education	0	0		0	21.
22.	1410 Early Childhood Block Grant	0	0		0	22.
23.	1420 Handicapped Pupils - Extended School Year	0	0		0	23.
24.	1425 Adult Basic Education	0	0		0	24.
25.	1430 Chemical Abuse Prevention Programs	0	0		0	25.
26.	1435 Academic Contests	0	0		0	26.
27.	1445 At-Risk Pupil Dropout Prevention Proj. (7-12)	0	0		0	27.
28.	1450 Gifted	0	0		0	28.
29.	1455 Family Literacy Pilot Program	0	0		0	29.
30.	1460 Environmental Special Plate	0	0		0	30.
31.	1465 Charter School Stimulus Fund	0	0		0	31.
32.	1470-1499 Other State Projects	0	0		0	32.
33.	Total State Project Funds (lines 21-32)	0	0		0	33.
34.	Total Federal and State Projects (lines 20 and 33)	0	0		0	34.

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Rev. 9/99

CHARTER SCHOOL ____________________ **CAMPUS** Totals **CTDS NUMBER** Totals

SPECIAL EDUCATION PROGRAM EXPENSES BY TYPE

		Budget	Actual	Number of Students Served	
Autism	1.		0	0	1.
Emotional Disability	2.		0	0	2.
Hearing Impairment	3.		0	0	3.
Other Health Impairments	4.		0	0	4.
Specific Learning Disability	5.		0	0	5.
Mild, Moderate, or Severe Mental Retardation	6.		0	0	6.
Multiple Disabilities	7.		0	0	7.
Multiple Disabilities with S.S.I.*	8.		0	0	8.
Orthopedic Impairment	9.		0	0	9.
Speech/Language Impairment	10.		0	0	10.
Traumatic Brain Injury	11.		0	0	11.
Visual Impairment	12.		0	0	12.
Subtotal (lines 1-12)	13.		0		13.
Gifted Education	14.		0	0	14.
Bilingual Education	15.		0	0	15.
Remedial Education	16.		0	0	16.
Vocational and Technological Education	17.		0	0	17.
Career Education	18.		0	0	18.
Subtotal (lines 14-18)	19.		0	0	19.
TOTAL (lines 13 and 19)	20.		0		20.

* Severe Sensory Impairment

1998-1999 ALLOCATION AVERAGE DAILY MEMBERSHIP (ADM)

Attending ADM		0.000
Self-contained Special Education Students	-	0.000
Allocation ADM	=	0.000

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CAPITAL ACQUISITIONS

		Direct Actual Expenses	Schoolwide Allocation of Actual Expenses	Total Budget	Total Actual	
0181 Land and Improvements	1.	0	0		0	1.
0182 Buildings and Improvements	2.	0	0		0	2.
0183 Equipment	3.	0	0		0	3.
0184 Construction in Progress	4.	0	0		0	4.
Total Capital Acquisitions (lines 1-4)	5.	0	0		0	5.

CHARTER SCHOOL ______________________ **CAMPUS** ______________ **CTDS NUMBER** __________

Expenses		Direct Actual Expenses					Schoolwide Allocation of Actual Expenses	Totals		
		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800		**Budget**	Actual	
100 Regular Education										
1000 Instruction	1.						0		0	1.
Support Services										
2100 Student	2.						0		0	2.
2200 Instructional Staff	3.						0		0	3.
2300 General Administration	4.						0		0	4.
2400 School Administration	5.						0		0	5.
2600 Operations and Maintenance of Plant Services	6.						0		0	6.
2500, 2800, 2900 Other Support Services	7.						0		0	7.
3000 Operation of Noninstructional Services	8.								0	8.
4000 Facilities Acquisition & Construction Services	9.						0		0	9.
5000 Debt Service	10.						0		0	10.
Subtotal (lines 1-10)	11.	0	0	0	0	0	0		0	11.
200 Special Education										
1000 Instruction	12.									12.
Support Services										
2100 Student	13.									13.
2200 Instructional Staff	14.									14.
2300 General Administration	15.									15.
2400 School Administration	16.									16.
2600 Operations and Maintenance of Plant Services	17.									17.
2500, 2800, 2900 Other Support Services	18.									18.
3000 Operation of Noninstructional Services	19.									19.
4000 Facilities Acquisition & Construction Services	20.									20.
5000 Debt Service	21.									21.
Subtotal (lines 12-21)	22.									22.
300 Special Education, Title 8, P.L. 103-382	23.									23.
400 Pupil Transportation	24.								0	24.
530 Dropout Prevention Programs	25.						0		0	25.
540 Joint Vocational and Technical Center	26.						0		0	26.
600 Other Instructional Programs	27.						0		0	27.
700 Adult/Continuing Education Programs	28.						0		0	28.
800 Community College Education Programs	29.						0		0	29.
900 Community Services Programs	30.						0		0	30.
Subtotal (lines 11 and 22-30)	31.	0	0	0	0	0	0		0	31.
Federal and State Projects*	32.								0	32.
Total (lines 31 and 32)	33.								0	33.

*** Total budget and actual expenses should agree with line 34 on page 2.**

Rev. 9/99

282

261

CHARTER SCHOOL ____________________ **CAMPUS** 0 ____________ **CTDS NUMBER** 0

SPECIAL PROJECTS

		Direct Actual Expenses	Schoolwide Allocation of Actual Expenses	Total		
				Budget	Actual	
FEDERAL PROJECTS						
1100-1130 ESEA Title I	1.		0		0	1.
1140 ESEA Title II - Dwight D. Eisenhower Prof. Dev.	2.		0		0	2.
1150 ESEA Title III - Technology for Education	3.		0		0	3.
1160 ESEA Title IV - Safe & Drug-Free Sch. & Comm.	4.		0		0	4.
1170 ESEA Title V - Promoting Equity	5.		0		0	5.
1180 ESEA Title VI - Innovative Educ. Prog. Strat.	6.		0		0	6.
1190 ESEA Title VII - Bilingual Education	7.		0		0	7.
1200 ESEA Title IX - Indian Education	8.		0		0	8.
1210 ESEA Title X - Programs of National Signif.	9.		0		0	9.
1220 IDEA, Part B	10.		0		0	10.
1230 Johnson-O'Malley	11.		0		0	11.
1240 Job Training Partnership Act (JTPA)	12.		0		0	12.
1250 AEA - Adult Education	13.		0		0	13.
1260-1280 Vocational Education - Basic Grants	14.		0		0	14.
1290 Medicaid Reimbursement	15.		0		0	15.
1295 Goals 2000	16.		0		0	16.
1300 Charter School Implementation Proj. (Stimulus)	17.		0		0	17.
13__ E-Rate	18.				0	18.
1310-1399 Other Federal Projects (exclude amount on line 18)	19.		0		0	19.
Total Federal Project Funds (lines 1-19)	20.	0	0		0	20.
STATE PROJECTS						
1400 Vocational Education	21.		0		0	21.
1410 Early Childhood Block Grant	22.		0		0	22.
1420 Handicapped Pupils - Extended School Year	23.		0		0	23.
1425 Adult Basic Education	24.		0		0	24.
1430 Chemical Abuse Prevention Programs	25.		0		0	25.
1435 Academic Contests	26.		0		0	26.
1445 At-Risk Pupil Dropout Prevention Proj. (7-12)	27.		0		0	27.
1450 Gifted	28.		0		0	28.
1455 Family Literacy Pilot Program	29.		0		0	29.
1460 Environmental Special Plate	30.		0		0	30.
1465 Charter School Stimulus Fund	31.		0		0	31.
1470-1499 Other State Projects	32.		0		0	32.
Total State Project Funds (lines 21-32)	33.	0	0		0	33.
Total Federal and State Projects (lines 20 and 33)	34.	0	0		0	34.

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Rev. 9/99

CHARTER SCHOOL ______________________ **CAMPUS** 0 ______________________ **CTDS NUMBER** 0

SPECIAL EDUCATION PROGRAM EXPENSES BY TYPE

		Budget	Actual	Number of Students Served	
Autism	1.				1.
Emotional Disability	2.				2.
Hearing Impairment	3.				3.
Other Health Impairments	4.				4.
Specific Learning Disability	5.				5.
Mild, Moderate, or Severe Mental Retardation	6.				6.
Multiple Disabilities	7.				7.
Multiple Disabilities with S.S.I.*	8.				8.
Orthopedic Impairment	9.				9.
Speech/Language Impairment	10.				10.
Traumatic Brain Injury	11.				11.
Visual Impairment	12.				12.
Subtotal (lines 1-12)	13.				13.
Gifted Education	14.				14.
Bilingual Education	15.				15.
Remedial Education	16.				16.
Vocational and Technological Education	17.				17.
Career Education	18.				18.
Subtotal (lines 14-18)	19.				19.
TOTAL (lines 13 and 19)	20.				20.

* Severe Sensory Impairment

1998-1999 ALLOCATION AVERAGE DAILY MEMBERSHIP (ADM)

Attending ADM		
Self-contained Special Education Students	-	
Allocation ADM	=	0.000

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CAPITAL ACQUISITIONS

		Direct Actual Expenses	Schoolwide Allocation of Actual Expenses	Total Budget	Total Actual	
0181 Land and Improvements	1.		0		0	1.
0182 Buildings and Improvements	2.		0		0	2.
0183 Equipment	3.		0		0	3.
0184 Construction in Progress	4.		0		0	4.
Total Capital Acquisitions (lines 1-4)	5.	0	0		0	5.

CHARTER SCHOOL ____________________ **CAMPUS** Special Education **CTDS NUMBER** Special Education

Expenses		Direct Actual Expenses					Schoolwide Allocation of Actual Expenses	Totals		
		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800		Budget	Actual	
100 Regular Education										
1000 Instruction	1									1.
Support Services										
2100 Student	2									2.
2200 Instructional Staff	3.									3.
2300 General Administration	4									4.
2400 School Administration	5.									5.
2600 Operations and Maintenance of Plant Services	6.									6.
2500, 2800, 2900 Other Support Services	7.									7.
3000 Operation of Noninstructional Services	8.									8.
4000 Facilities Acquisition & Construction Services	9.									9.
5000 Debt Service	10									10.
Subtotal (lines 1-10)	11									11.
200 Special Education										
1000 Instruction	12.	0	0	0	0	0			0	12.
Support Services										
2100 Student	13.	0	0	0	0	0			0	13.
2200 Instructional Staff	14.	0	0	0	0	0			0	14.
2300 General Administration	15.	0	0	0	0	0			0	15.
2400 School Administration	16.	0	0	0	0	0			0	16.
2600 Operations and Maintenance of Plant Services	17.	0	0	0	0	0			0	17.
2500, 2800, 2900 Other Support Services	18.	0	0	0	0	0			0	18.
3000 Operation of Noninstructional Services	19.	0	0	0	0	0			0	19.
4000 Facilities Acquisition & Construction Services	20.	0	0	0	0	0			0	20.
5000 Debt Service	21.	0	0	0	0	0			0	21.
Subtotal (lines 12-21)	22.	0	0	0	0	0			0	22.
300 Special Education, Title 8, P.L. 103-382	23.	0	0	0	0	0			0	23.
400 Pupil Transportation	24.								0	24.
530 Dropout Prevention Programs	25.									25.
540 Joint Vocational and Technical Center	26.									26.
600 Other Instructional Programs	27.									27.
700 Adult/Continuing Education Programs	28.									28.
800 Community College Education Programs	29.									29.
900 Community Services Programs	30.									30.
Subtotal (lines 11 and 22-30)	31.	0	0	0	0	0	0		0	31.
Federal and State Projects*	32.								0	32.
Total (lines 31 and 32)	33.								0	33.

*** Total budget and actual expenses should agree with line 34 on page 2.**

Rev. 9/99

257

258

CHARTER SCHOOL ______________________ **CAMPUS** Special Education **CTDS NUMBER** Special Education

SPECIAL PROJECTS		Direct Actual Expenses	Schoolwide Allocation of Actual Expenses	Total		
				Budget	Actual	
FEDERAL PROJECTS						
1100-1130 ESEA Title I	1.				0	1.
1140 ESEA Title II - Dwight D. Eisenhower Prof. Dev.	2.				0	2.
1150 ESEA Title III - Technology for Education	3.				0	3.
1160 ESEA Title IV - Safe & Drug-Free Sch. & Comm.	4.				0	4.
1170 ESEA Title V - Promoting Equity	5.				0	5.
1180 ESEA Title VI - Innovative Educ. Prog. Strat.	6.				0	6.
1190 ESEA Title VII - Bilingual Education	7.				0	7.
1200 ESEA Title IX - Indian Education	8.				0	8.
1210 ESEA Title X - Programs of National Signif.	9.				0	9.
1220 IDEA, Part B	10.				0	10.
1230 Johnson-O'Malley	11.				0	11.
1240 Job Training Partnership Act (JTPA)	12.				0	12.
1250 AEA - Adult Education	13.				0	13.
1260-1280 Vocational Education - Basic Grants	14.				0	14.
1290 Medicaid Reimbursement	15.				0	15.
1295 Goals 2000	16.				0	16.
1300 Charter School Implementation Proj. (Stimulus)	17.				0	17.
13__ E-Rate	18.				0	18.
1310-1399 Other Federal Projects	19.				0	19.
Total Federal Project Funds (lines 1-19)	20.	0			0	20.
STATE PROJECTS						
1400 Vocational Education	21.				0	21.
1410 Early Childhood Block Grant	22.				0	22.
1420 Handicapped Pupils - Extended School Year	23.				0	23.
1425 Adult Basic Education	24.				0	24.
1430 Chemical Abuse Prevention Programs	25.				0	25.
1435 Academic Contests	26.				0	26.
1445 At-Risk Pupil Dropout Prevention Proj. (7-12)	27.				0	27.
1450 Gifted	28.				0	28.
1455 Family Literacy Pilot Program	29.				0	29.
1460 Environmental Special Plate	30.				0	30.
1465 Charter School Stimulus Fund	31.				0	31.
1470-1499 Other State Projects	32.				0	32.
Total State Project Funds (lines 21-32)	33.	0			0	33.
Total Federal and State Projects (lines 20 and 33)	34.	0			0	34.

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CHARTER SCHOOL ______________________ **CAMPUS** Special Education **CTDS NUMBER** Special Education

SPECIAL EDUCATION PROGRAM EXPENSES BY TYPE

		Budget	Actual	Number of Students Served	
Autism	1.		0		1.
Emotional Disability	2.		0		2.
Hearing Impairment	3.		0		3.
Other Health Impairments	4.		0		4.
Specific Learning Disability	5.		0		5.
Mild, Moderate, or Severe Mental Retardation	6.		0		6.
Multiple Disabilities	7.		0		7.
Multiple Disabilities with S.S.I.*	8.		0		8.
Orthopedic Impairment	9.		0		9.
Speech/Language Impairment	10.		0		10.
Traumatic Brain Injury	11.		0		11.
Visual Impairment	12.		0		12.
Subtotal (lines 1-12)	13.		0		13.
Gifted Education	14.		0		14.
Bilingual Education	15.		0		15.
Remedial Education	16.		0		16.
Vocational and Technological Education	17.		0		17.
Career Education	18.		0		18.
Subtotal (lines 14-18)	19.		0		19.
TOTAL (lines 13 and 19)	20.		0		20.

- Severe Sensory Impairment

1998-1999 ALLOCATION AVERAGE DAILY MEMBERSHIP (ADM)

Attending ADM		[redacted]
Self-contained Special Education Students	-	[redacted]
Allocation ADM	=	[redacted]

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CAPITAL ACQUISITIONS

		Direct Actual Expenses	Schoolwide Allocation of Actual Expenses	Total Budget	Total Actual	
0181 Land and Improvements	1.				0	1.
0182 Buildings and Improvements	2.				0	2.
0183 Equipment	3.				0	3.
0184 Construction in Progress	4.				0	4.
Total Capital Acquisitions (lines 1-4)	5.	0			0	5.

EXTRACURRICULAR ACTIVITIES FEES TAX CREDIT
FISCAL YEAR 1998-99

CHARTER SCHOOL ______________________________

COUNTY ______________ CTDS NUMBER ______________

	Campus Name	Number	Revenues	Expenses - Program Codes			Total
			Object Code 1790	Regular and Special Educ. 100 and 200	Cocurricular Activities 610	Athletics 620	
1.							0
2.							0
3.							0
4.							0
5.							0
6.							0
7.							0
8.							0
9.							0
10.							0
11.							0
12.							0
13.							0
14.							0
15.							0
16.							0
17.							0
18.							0
19.							0
20.							0
21.							0
22.							0
23.							0
24.							0
25.							0
26.							0
27.							0
28.							0
29.							0
30.							0

Rev. 9/99

CHARTER SCHOOL FLYER

A Newsletter of the Office of the Auditor General

Issue 7 **March 1999**

ARIZONA STATE BOARD OF EDUCATION ISSUES RULE FOR THE SIMPLIFIED SCHOOL CONSTRUCTION PROCUREMENT PROGRAM

The Arizona State Board of Education has issued Arizona Administrative Code R7-2-1033 relating to the Simplified School Construction Procurement Program authorized by Arizona Revised Statutes (A.R.S.) §15-213(A)(2). Charter schools may follow the Simplified School Construction Procurement Program instead of the standard procurement rules in the School District Procurement Rules for the procurement of construction in excess of $25,000 but not exceeding $100,000. Procurement of construction in excess of $100,000 must still be done in accordance with the standard procurement rules.

The Program requires that each county school superintendent maintain a list of persons who desire to receive solicitations to bid on construction projects within the county. Schools must submit information on each project to be bid to all persons included on the county school superintendent's list as well as any other eligible persons desiring to submit bids.

Similar to the standard construction procurement rules, the Program requires that contractors provide a performance bond and payment bond as required by A.R.S. §34-222. Also, all bids must be opened at a public opening and the bids kept confidential until the public opening.

Copies of the School District Procurement Rules including the Simplified School Construction Program can be obtained from the State of Arizona, Office of the Secretary of State, (602) 542-4086.

SOARING TO NEW HEIGHTS

We have renamed and redesigned our newsletter to charter school administrators (formerly *Charter School Financial Issues*). However, the purpose remains the same— to provide current accounting and financial reporting information and to assist charter schools in complying with the requirements of the *Uniform System of Financial Records for Arizona Charter Schools* (USFRCS).

NEW MILEAGE REIMBURSEMENT RATE

The Arizona Department of Administration (ADOA) has established a 31 cents per mile reimbursement rate, effective March 1, 1999, for state agencies and school districts. Charter schools are not required to use the new rate; however, the ADOA rate was decreased to agree with the Internal Revenue Service (IRS) limit for mileage reimbursement which will become effective April 1, 1999. If a school chooses to reimburse mileage expenses for its employees or board members in excess of the IRS limit, the school will be required to include any excess reimbursements in the employee's income reported on Form W-2.

The governing board must approve changes in the school's travel policy or reimbursement amounts. Further guidance on establishing travel policies and reimbursement amounts is included in the USFRCS Travel section (VI-I).

REMINDERS

DON'T FORGET

1998 Audit Reports

All charter schools that operated during school year 1997-98 are required to have an annual audit. The audit reports are due within 13 months after year-end or 30 days after the reports are issued, whichever is sooner. Most charter schools have a June 30 year-end. For those schools, the 1998 audit reports are due July 31, 1999. However, at least 25 percent of schools have not submitted audit contracts for our review. If your school has not contracted for an audit, it should do so as soon as possible to allow sufficient time for the audit to be completed and the reports issued. If the school has contracted for the audit but did not submit the proposed contract to our Office, the contract should be submitted immediately.

Budget Revisions

Any revisions to a school's adopted budget must be made and approved by the school's governing board by May 15th. A USFRCS Memorandum will be issued in April with instructions on budget revisions.

COMMON DEFICIENCIES CITED IN COMPLIANCE QUESTIONNAIRES

USFRCS and Legal Compliance Questionnaires prepared by independent CPAs who have performed charter school audits have been analyzed to determine problem areas common to many schools. The following is a frequently cited deficiency that has not been included in previous newsletters and our recommendation to correct it.

☹ Finding: The school failed to file a disclosure statement identifying where public notices of its board meetings will be posted.

☺ Recommendation: Attorney General Opinion I95-10 concluded that charter schools are required by state statute to follow the Open Meeting Law. To comply with the Open Meeting Law, schools must file a notice with the appropriate individual stating where all public notices of the schools board meetings will be posted. Schools sponsored by the Arizona State Board of Education or the Arizona State Board for Charter Schools must file this notice with the Secretary of State. Schools sponsored by school district governing boards must file the notice with the clerk of the county board of supervisors.

QUESTION & ANSWER

Question: Is a school required to select a CPA firm that has been approved by our Office to perform its annual audit?

Answer: No. A school is not required to select a CPA firm that has been approved by our Office.

A.R.S. §15-914(E) requires contracts for all single audits and financial statement audits, as well as the final audit reports, to be approved by the Auditor General. The law does not require that our Office approve the CPA firm.

When a proposed audit contract is submitted to our Office for approval, we determine whether the audit contract states that the auditor is an independent CPA as required by statute. We do not give any assurance that the work performed by the CPA firm or the final audit reports will comply with applicable laws and professional standards. However, if we have previously reviewed the work of the CPA firm and found that it consistently failed to comply with applicable laws and professional standards, we may disapprove the audit contract. The school must then contract with another CPA firm to perform the audit.

To assist schools in finding a CPA firm to perform their annual audit our Office will provide, upon request, a list of CPA firms who currently have approved audit contracts with school districts and/or charter schools. We do not recommend, endorse, or vouch for any CPA firms on the list. Schools may use one of these firms or may select a different firm.

USFRCS MEMORANDUMS

The following USFRCS Memorandum has been issued since the last newsletter. If you need a copy of this or any other memorandums, you can visit our Website or call the Accounting Services Division of our Office.

MEMO	SUBJECT
No. 21	Mileage Reimbursement Rates (Issued 3/1/99, Amends Memo No. 19)

CHARTER SCHOOL FLYER

A Newsletter of the Office of the Auditor General

Issue 8 August 1999

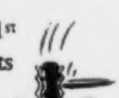
THE END OF AN ERA

Doug Norton resigned as Auditor General effective June 29, 1999. It truly is the end of an era for our Office, as Doug served as Arizona's Auditor General for the past 23 years. Doug's dedication and leadership over the years resulted in many improvements in the way Arizona accounts for its public monies and assets.

The Joint Legislative Audit Committee will evaluate candidates from Arizona and across the nation for our next Auditor General. Once the Committee has selected a candidate, their choice will be referred to the full Legislature for approval in the next legislative session. In the interim, the Committee has appointed Debbie Davenport as the Acting Auditor General. Debbie has served as the Deputy Auditor General for the past eight years.

On a final note, one more change has been made to our management team. Maude Haggerty has been Acting Director of the Accounting Services Division for several months and has now assumed the role on a permanent basis.

CHANGE IN RESPONSIBILITIES



Effective July 7, 1999, Laws 1999, 1st Special Session, Chapter 4, §15 shifts certain responsibilities from the Office of the Auditor General to the Arizona State Board of Education and the Arizona State Board for Charter Schools. **State board-sponsored charter schools** must now submit their audit contracts and completed audits to their sponsoring board for approval. The sponsoring board will also be responsible for determining the schools' compliance with the *Uniform System of Financial Records for Arizona Charter Schools* (USFRCS)for nonexempt schools. For more information, refer to USFRCS Memorandum No. 24.

KEEPING IN TOUCH

In this, the information age, it only makes sense that we rethink how we communicate with each other. With the availability of the Internet and electronic mail, information can be spread at the speed of light (or at least at the speed of a 57K modem). To help us get information to you faster, we need to gather your e-mail addresses. USFRCS Memorandums and newsletters will continue to be mailed in hard copy to charter schools, but in the future we may provide electronic copies to charter schools that provide us with an official charter school e-mail address.

Charter schools can send an e-mail from their official address to Asd@auditorgen.state.az.us with a subject line of "Official Charter School E-mail Address." Any changes to the charter school e-mail address should be sent to the same address with a subject line of "E-mail Address Change."

FY 1998-99 ANNUAL FINANCIAL REPORT

The FY 1998-99 Annual Financial Report (AFR) will be the first AFR to include school-by-school detailed information as required by A.R.S. §15-904. Initially, the school-by-school information will include only actual revenue and expenditure amounts. Budgeted amounts will be shaded in the school-by-school section, as the FY 1998-99 expenditure budget did not require campus-based information. We plan to issue the forms by September 15.

ACCOUNTING FOR E-RATE MONIES

The Telecommunications Act of 1996 established the Universal Service Fund, known as the E-rate, to provide discounts to schools and libraries on the cost of telecommunications, Internet access, and network wiring within buildings. The Schools and Libraries Corporation (SLC) was established to administer the program.

The SLC and the school are required to pay their portion of the costs directly to the vendor. However, it appears that many schools may first have to pay the vendor for the total cost. Then the SLC will pay the vendor for its portion and the vendor will reimburse the school by issuing refund checks or crediting the school's account.

Schools should accept refunds, rather than credits, from vendors for the SLC portion. Taking a credit would obligate the school to make future purchases from the vendor in order to use the credit amount. Further, since E-rate reimbursements will often be large dollar amounts, the expenditure of these monies will typically require competitive bidding. Therefore, the school cannot be certain that the same vendor would be awarded the bid. Additionally, the school cannot be certain that the vendor will remain in business long enough for the credit to be used.

Schools should establish a separate E-rate Project Code between Project Codes 1310-1399 to recognize the receipt and disbursement of the SLC portion of the cost.

The SLC's Web site at www.sl.universalservice.org is a good source for tips on filling out application forms as well as finding answers to frequently asked questions about E-rate monies.

WHO AUDITS THE AUDITORS?

You may have wondered from time to time if the operations of our Office are ever scrutinized by an independent entity. In addition to the quality control review that we receive every three years from the National State Auditors Association, our Office is required to undergo a sunset review every ten years. The Arizona Legislature recently hired the National Conference of State Legislatures to conduct such a review. The reviewers looked at the effectiveness of our management group, the level of client satisfaction with the services we provide, and whether we are fulfilling our statutory mandates. As part of their review process, personal interviews were conducted with selected legislators, legislative staff, and current and former employees. In addition, written surveys were sent to all legislators; legislative staff; current employees; and our clients, including many school districts and charter schools.

In April, the NCSL completed its sunset review of our Office and issued their results to the Arizona Legislature. We are proud to say they concluded that our Office is performing high-quality work and recommended that our Office be continued for another ten years.

We would like to thank those of you who took time from your busy schedules to respond to the survey.

SPOTLIGHT ON WWW.SOSAZ.COM

Where can you get a copy of the most current School District Procurement Rules? The answer is as easy as sending an SOS. The Secretary of State Web site at www.sosaz.com is the source for all State Board of Education rules. If you want to order a hard copy of the rules you can print an order form at the site, but an even better option is to download the rules in Adobe Acrobat (PDF). To find the PDF files, go to the .../public_services/Table_of_Contents.htm area on the site.

USFRCS MEMORANDUMS

The following USFRCS Memorandums have been issued since the last newsletter. If you need a copy of these or any other memorandums, you can visit our Web site or call the Accounting Services Division of our Office.

MEMO	**SUBJECT**
No. 22	Charter School Annual Budget Revisions for Fiscal Year 1998-99 (Issued 4/15/99, Supersedes USFRCS Memorandum No. 12)
No. 23	Charter School Annual Budget Forms and Budget Work Sheets for Fiscal Year 1999-2000 (Issued 6/7/99, Supersedes USFRCS Memorandums No. 13 and No. 17)
No. 24	Transfer of Responsibilities Affecting State Board-Sponsored Charter Schools (Issued 6/28/99)

Douglas R. Norton, CPA
Auditor General

1912

Debra K. Davenport, CPA
Deputy Auditor General

CHARTER SCHOOL FINANCIAL ISSUES

A Newsletter of the Office of the Auditor General

Issue 6 **November 1998**

We encourage you to make copies of this newsletter and distribute them to employees who may need the specific information presented. If you have questions or comments, please call or write Gregg Rickert, Accounting Services Manager, or Michael Stelpstra, Accounting Services Senior, Office of the Auditor General, 2910 N. 44th Street, Suite 410, Phoenix, AZ 85018, telephone (602) 553-0333.

FAILURE TO ISSUE TIMELY AUDIT REPORTS

Twenty-two charter schools that were required to have a single audit or financial statement audit for the year ended June 30, 1997, failed to submit their audit reports and Uniform System of Financial Records for Arizona Charter Schools or Legal Compliance Questionnaire to our Office by the July 31, 1998, due date. Accordingly, these schools have not complied with the requirements of the USFRCS or state and federal laws. Consequently, they were issued letters of noncompliance. Schools required to comply with the USFRCS that do not submit the required reports within 90 days of the citation letter's date will be reported to the Arizona State Board of Education for appropriate action in accordance with Arizona Revised Statutes (A.R.S.) §15-272, which may include withholding state monies from the school.

Charter school audit reports are due no later than 13 months after the end of the fiscal year. In determining when a school's audit reports have not been submitted by the due date, we assume that the school is using a June 30 fiscal year-end. If a charter school has a different fiscal year-end and has not previously submitted audit reports to our Office, it should notify us immediately of the school's fiscal year-end. Schools should note that the allotted time for submitting reports will be reduced from 13 months to 9 months for audits of fiscal years beginning after June 30, 1998.

COMMON DEFICIENCIES CITED IN COMPLIANCE QUESTIONNAIRES

USFRCS and Legal Compliance Questionnaires prepared by independent CPAs who have performed charter school audits have been analyzed to determine problem areas common to many schools. The following are frequently cited deficiencies that have not been included in previous newsletters and our recommendations to correct them.

Finding: Membership and absences reported on the school's 40th- and 100th-Day Membership/Absence Reports did not agree to the public school registers or student record cards, as applicable.

Recommendation: A school administrator should review the 40th- and 100th-day reports to verify that amounts reported to the Arizona Department of Education (ADE) agree to the school's student attendance records. This will help ensure that the school receives the appropriate amount of state equalization assistance (state aid). For example, if membership is overstated on the reports, the school may receive excess state aid that will need to be repaid in the future. This could cause cash flow problems if the school's subsequent state aid payments are significantly reduced or eliminated. Additionally, if absences are overstated, the school's state aid could be unnecessarily reduced for excessive absences.

Finding: The school did not prepare Official Notice of Pupil Withdrawal forms.

Recommendation: The *Instructions for Required Reports*, issued by ADE, requires schools to prepare an Official Notice of Pupil Withdrawal form for each student who withdraws during the school year. (This includes students withdrawn for ten consecutive days of unexcused absences.) Forms should be signed by an authorized school administrator. Completed forms serve as support for recording the withdrawal in the school's student attendance records.

QUESTION & ANSWER

Question: May a charter school use a design-build contract to construct school facilities? A design-build contract is one in which the vendor agrees to both design and construct the items specified in the contract. The design and construction services may be performed by the vendor itself or through subcontracts.

Answer: Charter schools are subject to the School District Procurement Rules for purchases in excess of $25,000 (unless the school's sponsor has provided an exception to this requirement in the school's charter). The School District Procurement Rules do not permit the use of design-build contracts. The Rules require that schools use competitive sealed proposals to procure the services of an architect or engineer. R7-2-1117 et seq. However, R7-2-1041(A) prohibits schools from using competitive sealed proposals for construction contracts (competitive sealed bids must be used). In addition, schools are subject to substantially the same procurement requirements as the State of Arizona. During the 1998 legislative session, the Legislature approved a pilot program to allow certain entities to use design-build contracts on a very limited number of projects. School districts and charter schools were not included in the pilot program. Therefore, under the current procurement requirements for school districts and charter schools, schools must procure design services separate from construction services.

USFRCS MEMORANDUM UPDATE

The following USFRCS Memorandums have been issued since the last newsletter. If you need a copy of these or any memorandums, you can visit our Website at www.auditorgen.state.az.us or call the Accounting Services Division.

MEMO	SUBJECT
No. 20	Charter School Annual Financial Report and Extracurricular Activities Fee Tax Credit for Fiscal Year 1997-98 (Issued 9/14/98, Supersedes Memo No. 10)
No. 19	Travel Reimbursement Rates (Issued 8/31/98, Supersedes Memo No. 18)

AUDITOR GENERAL WEBSITE DOWNLOADING TIPS

More and more schools have been downloading the budget and AFR forms as well as other USFRCS Memorandums from our Website located at www.auditorgen.state.az.us. If you have Internet access but aren't quite sure how to download from the Internet, go to our Website and follow these simple steps.

1. Find the item you want to download. You can practice downloading the AFR (Services\Forms), USFRCS Memo No. 20 (Services\Manuals), or Issue 5 of this newsletter (Services\Newsletters).
2. Right click on the link. To right click, use the right mouse button (the one you don't usually use). Links are indicated by underlined or colored text.
3. Choose Save Target As or Save Link As from the pop-up menu.
4. In the Save As screen, indicate the drive and directory in which to save the file. Be sure you know the full file address (e.g., C:\My Documents\) and the name of the file (e.g., csafr98.exe).
5. The first time you download a newsletter you should click on the Adobe Acrobat link on that screen to download a free reader. When you've finished downloading all the files you want, log off the Internet.
6. Locate the file you downloaded in Windows Explorer (Windows 95) or File Manager (Windows 3.1).
7. If you downloaded a file with an .exe extension (e.g., csafr98.exe) simply double click on the file and Unzip. Note the directory where the unzipped file will be placed.
8. If you downloaded a file with an .htm extension (e.g., usfrcs20.htm) you can open this file in Word.
9. If you downloaded a file with a .pdf extension (e.g., ASDNL8-98.pdf) you can open this file in Adobe Acrobat.

COMPREHENSIVE HEALTH PROGRAMS

Contact: Lynne Dulin, 602.542.8709

Chemical Abuse Prevention

- The Chemical Abuse Program provides assistance to school districts for programs designed to prevent chemical abuse by pupils in kindergarten through grade twelve.

- The minimum amount that districts receive is $1,000. Application for funding is part of the Improving America's Schools Act (IASA) Application submitted to the Arizona Department of Education (ADE) annually.

- Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, and marijuana, including instruction on the law related to the control of these substances, may be integrated into existing health, science, citizenship or similar studies according to state determined criteria. Schools can use funds to purchase age appropriate curriculum for grades K-12, for teacher training, program evaluation or other purposes that promote a comprehensive community-wide effort to prevent and/or decrease substance abuse among youth.

Tobacco Use Prevention Program

- The goal of the Tobacco Use Prevention Program is to create tobacco-free school environments for Arizona youth. Tobacco-free means the prohibition of tobacco use
    - by students, staff and visitors,
    - in school buildings,
    - on school grounds and in school vehicles, and
    - at school-sponsored events.

- Tobacco-free school environments are also supported by a new Arizona law, effective August 1999, which prohibits tobacco use anywhere on school grounds, in school vehicles and at school-sponsored events.

- Once a school is tobacco-free, program funds can be used towards other effective or promising, research-based tobacco use prevention activities.

- Schools are required to collaborate with the tobacco local project that serves their area. The local projects can assist with education and cessation programs and with policy development and enforcement. All public school districts and charter schools are eligible to apply for funding, which is provided by the Arizona Department of Health Services, through the Tobacco Tax and Health Care Act.

- Application for funding is part of the Improving America's Schools Act (IASA) Application submitted to the Arizona Department of Education (ADE) annually.

Driver Education Program (contact Kim Fields, 520.628.7691)

- The Driver Education Program is a cooperative effort between the Arizona Department of Education and the Arizona Department of Transportation's Motor Vehicle Division. Public and private high schools and commercial driving schools exclusively teaching high school students are eligible to apply to the program. There are four requirements schools must meet in order to be approved:
    - They must provide at least 1800 minutes of classroom instruction
    - They must provide at least six hours of behind the wheel (or simulator equivalent) instruction
    - The instructors must have current Arizona teaching certificates with driver education endorsements
    - A principal or superintendent must verify that the information on the application is correct

HIV/AIDS Education

- The HIV/AIDS Education Program at the Arizona Department of Education provides training and services that assist teachers, school nurses, administrators, parents and community groups in HIV/AIDS education efforts.

- Training opportunities include teacher training, peer education, educational updates and policy development. Curricula used are research based, have strong abstinence messages, and develop skills that help prevent transmission of HIV.

Safe and Drug Free Schools and Communities Act

- The Safe and Drug Free Schools and Communities Act (SDFSCP), also known as Title IV of the Improving America's School Act (IASA) of 1994, authorizes school districts to implement drug education and prevention programming and activities designed to prevent youth violence.

- The authorized prevention activities within the SDFSCA allow states and local communities to develop drug and violence prevention plans to assist them in achieving the goals of providing safe, disciplined and drug-free learning environments for all young people.

- Entitlement funds are based on the district's average daily membership. Application for funding is part of the IASA Application submitted to the Arizona Department of Education annually. Additional funds are awarded to those schools/districts that can demonstrate a need for additional resources.

Safe Schools Program

- The Arizona Safe Schools Program supports the hiring of Police Officers/Probation Officers at schools for establishing positive interaction among students, staff and law enforcement. Officers should not be hired for the purpose of enforcement. These officers and the schools where they serve are encouraged to work together as a "team".

- School districts are also required to integrate or expand the Law-Related Education philosophy in their schools and to encourage "interactive" modules on citizenship, legal systems, government, etc., so students can participate in a process.

- Budget is 7 million annually, and funds are available by competitive application to the Legislative Committee for School Safety.

EARLY CHILDHOOD PROGRAMS

Contact: Karen Woodhouse, 602.542.8706

Early Childhood Block Grant

- The Early Childhood Block Grant promotes student achievement by providing additional funding for early childhood education progams.

- Program funds are allocated by formula based on the number of children enrolled in K -3rd grade who are eligible for free school lunch. Funds may be use to fund a preschool program for economically disadvantaged children, to support full-day kindergarten, or for all students in kindergarten through third grade.

- LEAs and charter schools may also subcontract with federally funded and private preschool providers to help provide these services.

- All participating preschool programs are required to be licensed by the AZ Department of Health Services, and be accredited by a national early childhood organization which is approved by the State Board of Education.

CHILD AND ADULT CARE FOOD PROGRAM

Contact: Karen Woodhouse, 602.542.8706

CACFP

- The goal of the Child and Adult Care Food Program (CACFP) is to improve and maintain the health and nutritional status of children in child care or preschool programs, while promoting the development of good eating habits. The adult component of the CACFP serves functionally impaired adults in day care programs.
- The CACFP may be used by schools to provide snacks during the school day to children enrolled in preschool programs and half-day kindergarten programs. The CACFP may also be used to provide snacks to children enrolled in after-school programs in eligible sites.
- Applications for CACFP are available year-round and are renewed each October. The US Department of Agriculture provides funding, and program sponsors are reimbursed on a monthly basis for each meal and/or snack served to enrolled children.

SUMMER FOOD SERVICE PROGRAM

Contact: Karla Wright, 602.542.8704

SFSP

- The Summer Food Service Program is a USDA program designed to provide a nutritious meal to high risk children between the ages of 0-18 when traditional school is not in session.
- Sponsors may include schools, universities, camps, government agencies, or private non-profit organizations.
- Sponsors must formally apply and sign an agreement with the Arizona Department of Education. They must attend a training workshop prior to participating in the Summer Food Service Program.

NATIONAL SCHOOL LUNCH PROGRAM

Contact: Linda Rider, 602.542.8782

NSLP

- Federally funded National School Lunch Program (NSLP) and School Breakfast Program (SBP).
- United States Department of Agriculture mandated recordkeeping and meal service requirements.
- Reimbursement for meals served under NSLP and SBP.
- Application for the NSLP and SBP participation obtained through Student Services at the Arizona Department of Education.

OTHER STATE STATUTES AND REGULATIONS APPLICABLE TO CHARTER SCHOOLS

Information about the state statutes referenced below is frequently requested from the charter schools offices. It is provided here for your convenience:

Title 15 Provisions: Education

• Administration of Medication	15-344
• Chronic Health Problems	15-346
• Interscholastic Activities	15-347, 15-348, 15-705, 15-802.01
• Suspension and Expulsion	15-840, 15-841, 15-842, 15-843

Title 34: Public Buildings and Improvements

• Sanitation Codes AZ Admin. Code, Title 9	R9-8-711 thru R9-8-717

Title 38: Public Officers and Employees

- State Fire Marshall

Title 15 Provisions - Medications, Health

ALIS Online

15-344. Administration of prescription, patent or proprietary medications by employees; definition

A. Subject to the limitations and requirements set forth in subsection B of this section, the school district governing board shall establish policies and procedures governing the administration of a prescription medication or a patent or proprietary medication to students by employees.

B. For purposes of this section, "administration" of prescription medication or a patent or proprietary medication means the giving of a single dose of medication or the giving of a treatment package in its original container. In the case of a minor student, such administration shall only occur upon the written or oral request or authorization of a parent or legal guardian.

15-346. Policies and procedures concerning pupils with chronic health problems; definition

A. The governing board shall adopt policies and procedures concerning pupils with chronic health problems in consultation with parents, teachers and at least one health professional. The policies and procedures shall be designed to provide continuing learning for pupils with chronic health problems while they are absent from school and to provide for the integration of pupils with chronic health problems into the regular education program as much as possible. The policies and procedures shall include provisions for:

1. Homework availability to ensure that pupils with chronic health problems have the opportunity to keep up with assignments and avoid losing credit because of their absence from school.
2. Flexibility in physical education activity requirements so that pupils with chronic health problems may participate in the regular physical education program to the extent that their health permits.

B. For the purpose of this section, "pupils with chronic health problems" means pupils who are unable to attend regular classes for intermittent periods of one or more consecutive days because of illness, disease or accident but who are not homebound. The chronic health problem shall be certified by a person licensed under title 32, chapter 7, 13 or 17.

15-347. Extracurricular activities; cultural tradition

A governing board shall consider the cultural traditions of pupils when establishing or enforcing rules related to a pupil's participation in extracurricular school activities. If district rules or rules regulating a district's participation in an extracurricular program prohibit a student from participating because of a pupil's cultural traditions, the governing board may adopt alternative rules which would allow that pupil to participate but take into consideration the health or safety of the pupil or any other person participating in the activities.

15-348. Interscholastic athletics noncontact sports

A governing board or an interscholastic athletic association may permit common school students to participate in practice sessions of noncontact sports with secondary school students.

15-705. Extracurricular activities; requirements

A. Each governing board after consultation with parents and teachers shall adopt policies and procedures governing requirements for pupils' participation in extracurricular activities for pupils in grade six, if the grade is part of a middle school, and grades seven through twelve. The consultation by the governing board with parents and teachers may be accomplished by holding a public hearing or forming an advisory committee. The requirements shall meet or exceed the minimum requirements prescribed by the state board.

B. The state board of education shall prescribe rules for policies regarding pupils' participation in extracurricular activities including minimum statewide requirements. The minimum statewide requirements:

1. Shall be appropriate to the grade in which the pupil is enrolled.
2. Shall be based on the number of courses passed or failed, on grades received or on a combination of these factors.
3. May incorporate additional factors.
4. Shall take into consideration the minimum course of study and competency requirements prescribed by the state board pursuant to section 15-701.01.

15-802.01. Children instructed at home; participation in interscholastic activities

A. Notwithstanding any other law, a child who resides within the attendance area of a public school and who is instructed at home may be allowed to participate in interscholastic activities on behalf of the public school. If a school declines to allow children instructed at home to participate in an interscholastic activity, the children instructed at home who reside within the attendance area of the school may be allowed to participate in the interscholastic activity on behalf of any other school. The state board of education shall adopt rules prescribing procedures for the participation of children instructed at home in interscholastic activities, including, if necessary, requiring the child to take a nationally standardized norm-referenced achievement test or academic evaluation for verification of academic performance. The rules adopted by the state board of education shall provide that a child who is instructed at home and who was previously enrolled in a school shall be ineligible to participate in interscholastic activities on behalf of a different school for the remainder of the school year during which the child was enrolled in a school.

B. A school district shall not contract with any private entity that supervises interscholastic activities if the private entity prohibits the participation of children instructed at home in interscholastic activities.

Title 15 Provisions - Suspension and Expulsion of Pupils

ALIS Online

15-840. Definitions

In this article, unless the context otherwise requires:

1. "Expulsion" means the permanent withdrawal of the privilege of attending a school unless the governing board reinstates the privilege of attending the school.
2. "Suspension" means the temporary withdrawal of the privilege of attending a school for a specified period of time.

15-841. Responsibilities of pupils; certain causes for expulsion; effect of expulsion on admittance to another school district; alternative education programs; mandatory expulsion for bringing firearm to school; community service; placement review committee

A. Pupils shall comply with the rules, pursue the required course of study and submit to the authority of the teachers, the administrators and the governing board. A teacher may send a pupil to the principal's office in order to maintain effective discipline in the classroom. If a pupil is sent to the principal's office pursuant to this subsection, the principal shall employ appropriate discipline management techniques that are consistent with rules adopted by the school district governing board. A teacher may remove a pupil from the classroom if either of the following conditions exist:

   1. The teacher has documented that the pupil has repeatedly interfered with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.
   2. The teacher has determined that the pupil's behavior is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.

B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior which includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

C. A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.

D. A school district may annually or upon the request of any pupil or the parent or guardian review the reasons for expulsion and consider readmission.

E. As an alternative to suspension or expulsion, the school district may reassign any pupil to an alternative education program if good cause exists for expulsion or for a long-term suspension.

F. A school district may also reassign a pupil to an alternative educational program if the pupil refuses to comply with rules, refuses to pursue the required course of study or refuses to submit to the authority of teachers, administrators or the governing board.

G. A school district or charter school shall expel from school for a period of not less than one year a student who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this expulsion requirement for a student on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). For the purposes of this subsection:

1. "Expel" may include removing a pupil from a regular school setting and providing educational services in an alternative setting.

2. "Firearm" means a firearm as defined in 18 United States Code section 921.

H. School districts may develop a program that will allow pupils to perform community service as an alternative to suspension. The community service may be performed on school grounds or at any other designated area.

I. Each school shall establish a placement review committee to determine the placement of a pupil if a teacher refuses to readmit the pupil to the teacher's class and to make recommendations to the governing board regarding the readmission of expelled pupils. The process for determining the placement of a pupil in a new class or replacement in the existing class shall not exceed three business days from the date the pupil was first removed from the existing class. The principal shall not return a pupil to the classroom from which the pupil was removed without the teacher's consent unless the committee determines that the return of the pupil to that classroom is the best or only practicable alternative. The committee shall be composed of two teachers who are employed at the school and who are selected by the faculty members of the school and one administrator who is employed by the school and who is selected by the principal. The faculty members of the school shall select a third teacher to serve as an alternate member of the committee. If the teacher who refuses to readmit the pupil is a member of the committee, that teacher shall be excused from participating in the determination of the pupil's readmission and the alternate teacher member shall replace that teacher on the committee until the conclusion of all matters relating to that pupil's readmission.

15-842. Damage to school property; suspension or expulsion of pupil; liability of parent

A. A pupil who cuts, defaces or otherwise injures any school property may be suspended or expelled.

B. Upon complaint of the governing board, the parents or guardians of minors who have injured school property shall be liable for all damages caused by their children or wards.

15-843. Pupil disciplinary proceedings

A. No action concerning discipline, suspension or expulsion of a pupil is subject to the provisions of title 38, chapter 3, article 3.1, except that the governing board of a school district shall post regular notice and shall take minutes of any hearing held by the governing board concerning the discipline, suspension or expulsion of a pupil.

B. The governing board of any school district shall, in consultation with the teachers and parents of the school district, prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall include at least the following:

1. Penalties for excessive pupil absenteeism including failure in a subject, failure to pass a grade, suspension or expulsion.

2. Procedures for the use of corporal punishment if allowed by the governing board.

3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.

4. Procedures for dealing with pupils who have committed or are believed to have committed a crime.

5. A notice and hearing procedure for cases concerning the suspension of a pupil for more than ten days.

6. Procedures for appeal to the governing board of the suspension of a pupil for more than ten days, if the decision to suspend the pupil was not made by the governing board.

7. Procedures for appeal of the recommendation of the hearing officer or officers designated by the board as provided in subsection F at the time the board considers the recommendation.

C. Penalties adopted under subsection B, paragraph 1 for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person licensed under title 32, chapter 7, 13 or 17.

D. The governing board shall:

1. Support and assist teachers in the implementation and enforcement of the rules prescribed in subsection B.
2. Develop procedures allowing teachers and principals to recommend the suspension or expulsion of pupils.
3. Develop procedures allowing teachers and principals to temporarily remove disruptive pupils from a class.
4. Delegate to the principal the authority to remove a disruptive pupil from the classroom.

E. If a pupil withdraws from school after receiving notice of possible action concerning discipline, expulsion or suspension, the governing board may continue with the action after the withdrawal and may record the results of such action in the pupil's permanent file.

F. In all action concerning the expulsion of a pupil, the governing board of a school district shall:

1. Be notified of the intended action.
2. Decide, in executive session, whether to hold a hearing or to designate one or more hearing officers to hold a hearing to hear the evidence, prepare a record and bring a recommendation to the board for action and whether the hearing shall be held in executive session.
3. Give written notice, at least five working days prior to the hearing by the governing board or the hearing officer or officers designated by the governing board, to all pupils subject to expulsion and their parents or guardians of the date, time and place of the hearing. If the governing board decides that the hearing is to be held in executive session, the written notice shall include a statement of the right of the parents or legal guardians or an emancipated pupil subject to expulsion to indicate their objection to the governing board's decision to have the hearing held in executive session. Objections shall be made in writing to the governing board.

G. If a parent, legal guardian or emancipated pupil subject to expulsion disagrees that the hearing should be held in executive session, then it shall be held in an open meeting unless:

1. If only one pupil is subject to expulsion and disagreement exists between that pupil's parents or legal guardians, the governing board, after consultations with the pupil's parents or legal guardians or the emancipated pupil, shall decide in executive session whether the hearing will be in executive session.
2. If more than one pupil is subject to expulsion and disagreement exists between the parents or guardians of different pupils, then separate hearings shall be held subject to the provisions of this section.

H. Nothing in this section shall be construed to prevent the pupil who is subject to expulsion or suspension, and the pupil's parents or legal guardians and legal counsel, from attending any executive session pertaining to the proposed disciplinary action, from having access to the minutes and testimony of the executive session or from recording the session at the parent's or legal guardian's expense.

I. In schools employing a superintendent or a principal, the authority to suspend a pupil from school is vested in the superintendent, principal or other school officials granted this power by the governing board of the school district.

J. In schools that do not have a superintendent or principal, a teacher may suspend a pupil from school.

K. In all cases of suspension, it shall be for good cause and shall be reported within five days to the governing board by the superintendent or the person imposing the suspension.

L. A teacher who fails to comply with this section is guilty of unprofessional conduct and his certificate shall be revoked.

M. The principal of each school shall insure that a copy of all rules pertaining to discipline, suspension and expulsion of pupils is distributed to the parents of each pupil at the time the pupil is enrolled in school.

N. The principal of each school shall insure that all rules pertaining to the discipline, suspension and expulsion of pupils are communicated to students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

15-844. Suspension and expulsion proceedings for handicapped pupils

Notwithstanding sections 15-841, 15-842 and 15-843, the suspension or expulsion of children with disabilities, as defined in section 15-761, shall be in accordance with rules which are prescribed by the state board of education and which shall incorporate the change of placement requirements of the individuals with disabilities education act (20 United States Code sections 1410 through 1485) and applicable case law regarding suspension and expulsion of children with disabilities.

R9-8-711. Sanitation: general

A. Regulations in this Article shall apply to any public, private or parochial school.

B. The yards shall be free of puddles and clean

C. The school building structurally shall have a watertight roof and interior walls of even cleanable surfaces.

D. Ventilation, whether natural or artificial shall be non-noxious and controlled to prevent objectionable air currents on students.

E. Cafeterias or lunchrooms shall have a minimum window area equal to 12 1/2% of the floor area.

R9-8-712. Water Supply

A. Each school building shall be provided with an ample supply of water, preferably from an approved municipal or public water supply system. If such a system is not available, water from an underground source approved by the Department may be obtained. Such separate supplies must meet the requirements of Article 2 of this Chapter and school authorities shall be responsible for the submission of samples for bacteriological analysis to the Arizona Department of Health Services Laboratory. All pumps shall be maintained in good working order and an adequate supply of water shall be maintained. There shall be adequate pressure and quantity to operate all water supply fixtures efficiently at all times.

B. Drinking water shall be dispensed by means of:
  1. An angle jet sanitary fountain with nozzle opening above overflow rim, and producing a water stream free of contact with fixtures; or
  2. A sanitary cooler, of a type approved by the Department, and single-service paper cups retained in a sanitary container.

C. The use of the common drinking cup and the vertical jet bubbler type fountain is prohibited.

D. The minimum number of drinking fountains shall be provided on the following basis:
  1. Elementary grades -- one for each 50 students.
  2. Junior and Senior high schools and colleges -- one for each 100 students.
  3. A minimum of one fountain on each classroom floor

R9-8-713. Sanitation Facilities

A. The minimum number of sanitary facilities shall be provided on the following basis:
Slop sink - One each story
(inc. basement)

B. Paper towels and soap shall be furnished in all lavatories. Common towels are prohibited. General toilet rooms should be ventilated by means of a forced air exhaust system.

C. Toilet paper shall be available at all times.

D. Lavatories with hot and cold or tempered running water are required and shall be located in toilet rooms or immediately adjacent thereto. On new construction or replacement, sanitary toilet seats of the split or U-shaped type made of non-absorbent material shall be installed.

E. In rural schools, where handwashing facilities are not located in the toilet rooms, one lavatory shall be provided for each school room.

F. Toilet room floors shall be constructed of concrete or other water-impervious material pitched to a suitably located trapped floor drain. In new construction the floor drains shall be connected by means of a separate line to the building sewer. If partitions are provided between flush bowls, they shall be raised at least 12" from the floor.

R9-8-714. Showers

A. When athletic or gymnastic activities are conducted in a school, showers shall be provided. There shall be one showerhead for each 6 users, based upon the maximum demand at any one period.

B. Shower and locker rooms, when provided, shall be constructed with concrete or other impervious floors pitched to a suitable trapped drain and the walls and ceilings shall be of smooth, easily-washable material. These rooms shall be sufficiently well ventilated to prevent the accumulation of disagreeable odors and condensation upon interior surfaces. If lockers are provided, they shall be set on a solid base or raised 6" above the floor if open underneath. In all new construction lockers shall be set on a solid base.

C. If the bath towels are supplied by the school, they shall be for individual use only and shall be laundered before reissue.

R9-8-715. Sewage Disposal

A. All liquid wastes from a school building shall be discharged into a public sewerage system when possible. When a public sewerage system is not available, liquid wastes shall be disposed of into a septic tank system approved by the Department as provided in Article 3 of this Chapter.

B. Privies shall not be approved except in extreme cases. Where used, they shall be of a standard type approved by the Department.

C. All plumbing shall comply with local regulation and the standards adopted by reference in R9-1-412(D).

R9-8-716. Garbage and Refuse

A. Fly-proof and water-tight metal containers shall be provided for garbage. Garbage cans shall be emptied at least three times weekly, thoroughly washed, and never allowed to become foul smelling or a breeding place for flies.

B. Combustible rubbish shall be collected in metal-covered containers and disposed of in a safe and sanitary manner.

C. Garbage and refuse shall be disposed of in a manner which creates neither a nuisance nor a menace to health and in conformance with the requirements of Article 4 of this Chapter.

R9-8-717. Food Handling

Article 1 of this Chapter is applicable to all schools where food is handled, stored or sold

Maricopa County Health Department

Date: ____________ Sanitarian: ______________________
School: ______________________________________
Address: ______________________________________
School Official Contact: ______________________

SCHOOL PLUMBING FIXTURE COUNT

BOYS			GIRLS		LAVATORIES		DRINKING FOUNTAINS
TOILETS	URINALS	SHOWERS	TOILETS	SHOWERS	BOYS	GIRLS	
Elementary 1 for 1-40 2 for 41-80 3 for 81-120 4 fir 121-200 one additional for each 100 students beyond 200 Secondary Same as Elementary *Elem/Sec 1 per 100	Elementary 1 for 1-30 2 for 31-60 3 for 61-90 4 for 91-120 5 for 121-150 one additional for each 30 students beyond 150 Secondary 1 for 1-40 2 for 41-60 One for each 30 additional students over 60 *Elem/Sec 1 per 30	Athletic/ Gymnastic-- 1 shower head for each 6 users (based on demand)	Elementary 1 for 1-30 2 for 31-60 3 for 61-90 4 for 91-120 5 for 121-160 one additional for each 35 students beyond 160 Secondary 1 for 40 2 for 41-60 3 for 81-120 4 for 121-160 One for each additional 45 students beyond 160 *Elementary 1 per 35 *Secondary 1 per 45	Athletic/ Gymnastic-- 1 shower head for each 6 users (based on demand)	Elem/Sec 1 for each two (2) toilets or urinals for each sex *Elementary 1 per 60 *Secondary 1 per 100		Elementary 1 per 40 Secondary 1 per 50 *Jr. & Sr. High 1 per 100

NOTE: One mop sink required for each story.

SCHOOL GRADES: K-8 9-12

ENROLLMENT: Boys ____________
Girls ____________

*NOTE: Schools build prior to August 16, 1976 shall provide sanitary facilities in accordance with R9-8-713 of the Arizona State Rules and Regulations

OFFICE OF THE STATE FIRE MARSHAL

JANE DEE HULL
GOVERNOR

N. ERIC BORG
DIRECTOR

DUANE PELL
FIRE MARSHAL

99 EAST VIRGINIA, SUITE 100
PHOENIX, ARIZONA 85004
(602) 255-4964
(602) 255-4961 FAX

400 WEST CONGRESS, SUITE 121
TUCSON, ARIZONA 85701
(520) 628-6920
(520) 628-6930 FAX

Plan Submittal Guidelines for Charter Schools

This guideline was designed for the first time submitter of plans to this Office. The information below is generally what is needed to submit for the site you intend to use as a charter school. There may be some instances where situations may not be covered in these general guidelines which will be handled on a case by case basis.

✓ **Boxes** (Use for your convenience)

☐ **Submit 2 (two) identical sets of plans and specifications.** *Plans and specifications don't have to be in any particular format or paper size, as long as the plans are easy to read, and are drawn to a scale.*

☐ **Submit a Site Plan.** *On the site plan show all the buildings and roads, parking spaces or other features that can be used for fire department access roadway, and the locations of fire hydrants. Fire department access roadway is required to be 20' wide min., all weather surface, extended to within 150' from the edge of the roadway to the most remote exterior portions of the building to be protected.* At least 1 fire hydrant is required to protect the buildings on site, but in no case shall any single fire hydrant be located more than 500' from any of the buildings to be protected.

☐ **Submit Floor Plans.** *The floor plans should reflect all interior features of each of the buildings. Make sure that exits are plainly shown, and that each floor plan is drawn to scale. Include what each room or building is used for, even if there are multi-tenants*

☐ **Submit Fire Alarm System Plans and Specifications.** *The fire alarm system should reflect as closely as possible the actual installation of the fire alarm. Include all the devices, wiring and locations of each on the plans. Fire Alarm System is required to be Class A in operation. Specifications of all the equipment should reflect the Class A operation requirement. Plans should be drawn to scale.*

☐ **Submit Fire Sprinkler System Plans (if installed).** *Plans for the installation of a fire Sprinkler system should be as detailed as possible and include all piping, sprinkler heads and hangers. If the system is calculated, a complete set of the calculations should be included. Part of every fire sprinkler system is the actual water flow in the vicinity of your proposed installation. Include an updated fire flow test as part of the submittal.*

☐ **Submit a fully filled out Permit Application Form.** *This form is easy to fill out, and can be obtained from this Office.*

There may be additional items not mentioned in this list that you may want to include as part of your submittal. For additional information please call 602-255-4964 (Ron Pope-extension 220, or Jim Geil extension 253).(I:\plandocs\charter.wpd)

OFFICE OF THE
STATE FIRE MARSHAL

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99 EAST VIRGINIA, SUITE 100
PHOENIX, ARIZONA 85004
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(602) 255-4961 FAX

400 WEST CONGRESS, SUITE 121
TUCSON, ARIZONA 85701
(520) 628-6920
(520) 628-6930 FAX

ARIZONA STATE FIRE MARSHAL CHARTER SCHOOL REQUIREMENTS

The operation of a charter school brings with it some regulatory requirements which may be unfamiliar to educators unaccustomed to the administration of publicly funded schools in Arizona.

To assist you, Arizona Revised Statutes Section 15-183 requires the Department of Education to publish relevant rules, regulations and statutes to advise charter schools of their responsibilities. Paragraph 1, requires compliance with federal, state and local rules, regulation and statutes relating to health, SAFETY, civil rights and insurance.

Presently the Arizona Administrative Code (A.C.C.) R4-34-110, and Arizona Fire Code requires schools to be constructed and maintained in accordance with the 1988 editions of the Uniform Fire Code, Uniform Building Code, Uniform Mechanical Code and selected National Fire Code Standards. The State Fire Marshal is also mandated to conduct scheduled inspections in schools throughout Arizona. This includes charter schools.

Building procured for charter school use under ARS 15-189 are subject to the same requirements as any other public building. The office of the Fire Marshal will assist you by providing guidance regarding the suitability of lease space of any building contemplated for use as a charter school. **Construction documents for the remodel or modification of buildings are required to be reviewed and approved by the State Fire Marshal's Office for code compliance. This must be done before any construction, remodeling or modifications can be started.** When public funds are used to build, modify, alter or improve a structure, the design must be done under the direction of a registered architect in accordance with the rules and regulations of the Technical Board of Registration.

Please do not hesitate to contact the Office of the State Fire Marshal for guidance in the required submittal of documents for the review and permit process. Buildings used for charter schools MUST comply to fire code standards PRIOR to occupancy by any students.

The following information is a PARTIAL SUMMARY of the most important fire code requirements. This summary is not to be construed as the complete requirements. They are provided only to give you an idea of what is expected. Complete requirements will be integrated at plan review. In addition, your school may be required to conform to local fire and building code requirements.

SOME BASIC BUILDING AND FIRE REQUIREMENTS

General Notes:
Charter schools that locate in commercial, retail or office buildings including in some cases churches, must be separated from those occupancies by fire rated separations as specified in the building code. In order to properly classify the uses in the building, a plan of the building shall be submitted showing: building dimensions, types of construction of partitions and of the building, as well as the adjacent business's use.

UFC 10.207.b
Fire apparatus access roads shall be required for every building hear-after constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access.

UFC 10.301.c
An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. When any portion of the building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building there shall be provided on site fire hydrants, and mains capable of supplying the required fire flow.

UFC 10.312
A ventilating hood and duct system shall be provided for commercial type food heat processing equipment that produces grease laden vapors.

UFC 10.313.a
Approved fire suppression systems shall be provided for the protection of commercial type food heat processing equipment, producing grease laden vapors.

UBC 802.c
Rooms used for kindergarten, first, and second grade pupils and day care facilities for more than 6 children, shall not be located above or below the first floor, except for basements that have required exits at grade level.

Exception: 2. In buildings equipped with an Automatic fire sprinkler system throughout, ROOMS used for kindergarten, first and second grade children or for day care purposes, may be located on the second story, provided there are at least two exits from each room going directly to the exterior and going to two different exit paths provided for the exclusive use of such occupants. .

UBC 802.c
Storage rooms and janitor's closets shall be of one hour construction within E occupancies.

UBC 802.d
Laboratories, vocational shops and similar areas containing hazardous materials shall be separated from each other and from other portions of the buildings by not less than one-hour fire resistive occupancy separations.

UBC 803
All Group E occupancies shall front directly upon or have access to a public street of not less than 20 feet in width. The access to the public street shall be a minimum 20 foot wide right of way, unobstructed and maintained only as access to the public street. At least one required exit shall be located on the public street or on the access way.

UBC 807
Group E occupancies with total occupant loads of 50 or more in the school, shall have a class "A" fire alarm system installed.

UBC 808
No class I, II, IIIA liquids (Defined as flammable or combustible liquids) shall be placed, used or stored in any Group E occupancy, except in approved quantities, as necessary for use in labs, or approved utility rooms and shall be stored within approved storage cabinets as approved by the Fire Marshal.

UBC 808
A one hour fire resistive occupancy separation should be provided between rooms containing a boiler, central heating or hot water supply boiler exceeding an input rating of 400,000 Btu per hour and the rest of the building.

LTBC 3303.a
Every building or usable portion thereof shall have at least one exit and not less than two exits where required by the building code.

UBC 3302.a (Table 33A)
To find occupancy load and the number and width of exits required, divide total square feet of room or building by these factors:

Classrooms = 20
Nurseries = 35
School shops = 50
Vocational areas = 50
Assembly areas = 7 Auditoriums, stadiums, dance floors
Assembly areas = 15 Conference rooms, dining rooms, gymnasiums, stages

Example = Classroom size 40 X 50 =2000 Sq. Ft. divided by 20 = occupant load of 100.
To find required exits = 100 divided by 50 = 2'of exit width.
Minimum width is 3'or one door.

Example = Gymnasium 75 X 75 = 5625 Sq. Ft. divided by 15 = occupant load of 375.
Required exits = 375 divided by 50 = 8' of exit width.

UBC 3303.b
Exit width required is the total width of exits in feet which shall not be less than total occupancy load divided by 50. Such exit widths shall be divided approximately equally among the separate exits.

UBC 3304.b
Exit doors shall be of the pivoted or side hinged swinging type. Exit doors serving 50 or more occupants shall swing in the direction of exit travel.

UBC 3304.c
Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

UBC 3304.c
Manually operated edge or surface mounted flush bolts and surface bolts are prohibited. When exit doors are used in pairs and approved automatic flush bolts are used, the door leaf having the automatic flush bolts shall have no door knob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.

UBC 3319.e
Every exit doorway shall be a door of not less than 3 feet in width and not less than 6 feet 8 inches in height.

UBC 3319.e
The width of a corridor in a Group E Division 1 occupancy shall be not less than 6 feet. When the number of occupants is 100 or less, the corridor may be 44 inches wide.

UBC 3319.j
Exit doors from rooms having an occupant load of 50 or more and from corridors shall not be provided with a latch or lock unless it is panic hardware.

UBC 3319.e
Corridor walls and ceilings shall be of not less than one hour fire resistive construction with openings protected as required. (When each room has at least one exit door directly to the exterior at ground level, one hour construction of corridor wall and ceilings is not required.)

UBC 3319.k
School grounds may be fenced and gates therein equipped with locks, provided safe dispersal areas are located not less than 50 feet from the buildings. Dispersal areas shall be sized to provide an area of not less than 3 square feet per occupant.

UBC 3319.c
The distance from any point in a room shall be not more than 75 feet from an exit corridor, an enclosed stairway or the exterior of the building.

Exceptions: 1. In buildings not more than two stories in height and protected throughout with smoke detectors the distance may be increased to 90 feet.

2. In buildings protected throughout by an automatic sprinkler system, the distance may be increased to 110 feet.

UBC 3319.g
Exit stairs serving an occupant load of 100 or more in a Group E occupancy should have a minimum clear width of 5 feet.

UBC 3802.e.1
Group E occupancies with basements larger than 1500 square feet in floor area shall have an automatic fire sprinkler system installed.

UBC 3802.e.2
Group E occupancies shall have an automatic fire sprinkler system installed in enclosed usable space below or over a stairway.

An Introduction To Regional Training Centers

Mission

Training of school personnel, parents, and the community in the use of the administrative services. academic content standards and the appropriate use of technology in the classroom that will bring Arizona education into the 21st century.

Vision

Technology is indispensable in the educational environment in Arizona, and is a primary means for simplifying administrative work, evaluating success, improving teaching and learning, and thus enhancing access to extraordinary education.

Focus

Districts, district schools, and charter schools will receive technical assistance from regional providers and through "online services." ADE will serve as the developer of the administrative services and will provide guidance to districts, schools, charter schools and regional technical assistance providers. In addition, ADE will collaborate with regional providers, educational institutions, institutions of higher education, business/industry and communities in the implementation of technology in education.

Regional Training Centers

Northern Arizona Regional Training Center
San Simon Unified School District #18
Tempe Educational Consortium
Tucson Unified School District
Yuma Educational Consortium

The 5 Regional Training Centers listed here will provide training and support including:

- Training the trainers.
  - How to be a trainer and how to be a mentor.
  - Content for training in the ADE administrative areas, e.g., SAIS and Grants Management.
  - Content for technology integration and technology standards.
- Providing regionally focused on-site and Help Desk technical assistance to district and school staff.
  - Equipment use, especially at start-up, following training.
  - Software use, especially at start-up, following training.
  - On-site mentoring for electronic submissions of all administrative procedures, forms and data for the SAIS and Grants Management.

Northern Arizona Regional Training Center

Address:
1300 S. Milton Rd
Suite 225
Flagstaff, AZ 86001

Phone: (520) 523-8516

Fax: (520) 523-8901

Training Sites:

Chinle
Chinle High School
US191 & Navajo Rt. 7
Chinle, AZ 86503

Flagstaff
Coconino High School
2801 N. Izabel St.
Flagstaff, AZ 86004

Parker
Parker High School
1608 Laguna
Parker, AZ 85344

Prescott Valley
Excel Education Centers, Inc.
7515 Long Look
Prescott Valley, AZ 86314

Show Low
Northland Pioneer College
1001 W. Deuce of Clubs
Show Low, AZ 85901

Kingman
Kingman High School-North Campus
4182 N. Bank St.
Kingman, AZ 86401

RTC Info: The RTC is a result of a grant awarded the Flagstaff Unified School District and they have partnered with APSCC to deliver ADE training to six Arizona counties. In addition to the training we will be performing technology assessments and integrating technology into the classroom. Jerry Lamontagne has been promoted to Training Director and Mary Knight is the Training Coordinator. We have employed four Regional Trainers, Ted Lyons, Marilyn Maier, Dawn Trubakoff and Kirk Litman. Julie Smith also has been employed as the Administrative Assistant to assist with the RTC help desk and perform the clerical functions.

San Simon Unified School District #18

Address:
P.O. Box 38
6th and Chiricahua
San Simon, AZ 85632

Phone: (520) 845-2275
Fax: (520) 845-2480

Technology Forums:
February 19, 1999
Sierra Vista
Integrating the Internet into the School Curriculum

Training Sites:

San Simon
San Simon School
I-10 Business Loop
San Simon, AZ

Tempe Educational Consortium

Shipping Address:
Arizona State University
Community Services Building
200 E. Curry Rd., Ste. 355C
Box 870908
Tempe, AZ 85287

Mailing Address:
Arizona State University
P.O. Box 870908
Tempe, AZ 85287-0908

Phone: (480) 965-3322
Help Desk: (480) 965-3366
Fax: (480) 965-8887

Training Courses: For detailed information on training courses offered in the Tempe Educational Consortium area, please check the Calendar of Events pages.

Training Sites:

ASU West
Arizona State University West
4701 West Thunderbird Road
Glendale, AZ 85306-4908

Rio Salado Community College
Stapley Blud.
Mesa, AZ

Marcos de Niza High School
6000 S. Lakeshore Dr
Tempe, AZ 85283

ASU East
6001 South Power Road
Mesa, AZ, 85206-0903

RTC Info: The Tempe Educational Consortium is a result of a grant awarded the Tempe Union High School District and they have collaborated with two units of Arizona State University - Technology Based Learning and Research (TBLR) and Arizona School Services through Educational Technology (ASSET). The consortium will establish, conduct, and evaluate a systemic technology training program for Arizona public school personnel. The training program will prepare teachers, administrators, and staff to use the technology for administrative and instructional purposes. The Tempe RTC will provide ADE training to three Arizona counties: Gila, Maricopa, and Pinal. In addition to the technology training, the Tempe RTC will assist with the design of school/district technology plans. Dr. Gary Bitter is the Project Director and Helen Padgett is the Project Manager. There are three Regional Instructors, Dr. Harold Frederick Mary E. Odom, and Ellen Shepherd; Pat McCaughin is the Administrative Associate assisting with the RTC help desk together with Paul Skiera.

Tucson Unified School District

Address:
1010 E. 10th Street
Tucson, AZ 85717

Help Desk Phone: (520) 617-7084

Fax: (520) 798-8677

Training Courses: For detailed information on training courses offered in the Tucson Unified School District area, please check the Calendar of Events pages.

Technology News:
November 13, 1998 Creating a Network for District & Schools
Tucson

Training Sites:

Tucson
LIRC Computer Lab
2025 E. Winsett
Tucson, Az

Nogales
NAU Computer Lab
451 N. Arroyo
Nogales, Az

Casa Grande
Central AZ College
1015 E. Florence
Casa Grande, AZ

Winkelman
Central AZ College
80440 E. Aravaipa Road
Winkelman, AZ

Yuma Educational Consortium

Address:
450 West 6th Street
Yuma, AZ 85364

Phone: (520) 343-0800
Fax: (520) 782-7450

Training Courses: For detailed information on training courses offered in the Yuma Educational Consortium area, please check the Calendar of Events pages.

Training Sites:

Yuma
Administration Offices
Regional Training Center
3150 South Avenue "A"
CIS Training Center - Building #5
Yuma, AZ 85364
(520) 341-1479

FAQ

Below are some frequently asked questions (FAQs). If you have a question that should be listed here, please contact Matthias Giessler.

Q: Can I register for a course at an RTC facility that does not fall in the region covered by the RTC where I live and work?

A: The 5 RTCs in Arizona form a statewide network to facilitate training and information distribution. Their main objective is for teachers and administrators to receive adequate and timely training at strategically located training centers around the state. Since the training itself is more important than the location at which it is received, you can select the RTC of your choice even if it does not cover the region where you live and work.

Q: How do I get a password to access the "Secure Area" on the RTC web site?

A: The "Secure Area" is for RTC members only. If you are a member and don't have a password, contact Matthias Giessler at (602) 965-4012.

Q: On the sign-up form for training courses, can I sign-up for more than one course on the same form?

A: The more, the better :-)

Q: How do I print a page from the RTC web page?

A: The RTC web site is designed using frames. Using the Print function of your browser will print all the frames including the menus to the left and at the top of each screen. To print a document without the menus, do as follows:

- Using Netscape Navigator, click the frame you want to print, go to File > Print Frame in the menu bar
- Using Internet Explorer, right-click the frame you want to print and select Print

Q: The fonts on the RTC web site are too small. Can you increase the font size?

A: You can adjust the font size yourself by:

- Using Netscape Navigator, click View > Enlarge Font in the menu bar (you may have to do this twice to get the desired effect!)
- Using Internet Explorer, click View > Fonts > Larger in the menu bar

CHARTER SCHOOL RELATED ASSOCIATIONS

Arizona Charter Schools Association -- see attached documents

Arizona Charter School Parents Association -- see attached documents

ACCREDITATION ASSOCIATIONS

Association for Performance-Based Accreditation -- see attached documents

North Central Association (NCA) Accreditation -- see attached documents

OTHER ASSOCIATIONS OF INTEREST

Arizona Education Employment Board (AEEB)

Job connection for teachers, school districts, charter schools, private schools, secure care facilities, and other agencies.

(602) 542-3184 http://www.arizonaeducationjobs.com

Arizona Business Assistance Center

Assistance starting, expanding, or moving a small business.

(602) 280-1480 Phoenix
(520) 628-6690 Tucson
(602) 280-1301 TDD http://www.commerce.state.az.us/fr_abc.shtml

1-877-K-12-KIDS

A free charter school referral service.

(877) 512-5437

Goldwater Institute/Center for Market-Based Education

The purpose of the Center for Market-Based Education is to support and defend the principle of choice in public education.

(602) 256-7027 http://goldwaterinstitute.org/directory.htm

NCA Sustaining a Tradition of Excellence Since 1895

North Central Association Commission on Schools

About the NCA

Our Mission:

The NCA Commission on Schools is a dynamic school accreditation and evaluation organization that protects the public trust and is proactive in promoting a system of education that:

- *Enhances student learning and love for learning.*
- *Fosters healthy, creative, and innovative human beings.*
- *Prepares students to live and learn in an ever changing and diverse world.*
- *Provides standards and evaluation services for schools that ensure successful schooling transitions for its students.*

NCA accredits over 8000 schools divided up into 7 categories: Elementary, Middle, Secondary, College Preparatory, Vocational/Adult, Optional/Special Function, and Unit (K-12). Those 8000 schools are spread out over 19 states and also include the Department of Defense Dependents' Schools overseas. At its heart, NCA is an accreditation and evaluation organization. To become a member of NCA, a school must meet NCA's standards, conduct a self-study, and adopt a model of continuous school improvement (also known as seeking an endorsement) that focuses on improving student performance. You can find more details about this process in our Guide for Parents.

NCA strongly believes that NCA standards and their application will enhance learning, but there are other benefits to membership. NCA membership

- Helps schools to focus on improving student performance
- Increases the effectiveness of the school improvement process
- Provides school recognition that is useful in the college admissions process
- Promotes staff development
- Involves schools as partners in the formation of regional standards
- Provides a framework for accountability
- Assists the school by promoting essential school conditions such as programs, services, staffing, finances, and instructional resources.

Finally, NCA membership protects the public's trust. Schools that are NCA members have been examined by an outside team made up of their peers, and have had their school improvement plan reviewed by experts.

While accreditation and evaluation are the biggest parts of NCA, we also conduct staff development opportunities through our Annual Meeting, held every year in downtown Chicago, and through our Improving Student Performance level 1 and level 2 workshops, held throughout our region.

Questions about NCA can be directed to the Webmaster, or you may find more detailed contact information on our How to Contact Us page.

NCA also produces a tri-fold brochure and a 5 minute video that give a concise overview of the organization. More information about these materials is available in our online Publications Catalog.

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North Central Association Commission on Schools

The North Central Association covers 19 states in the central part of the U. S. We maintain an office in each state where we accredit schools. Contact information (both phone, U. S. mail and email) for those offices can be viewed by clicking on the state below. If you have a question about a specific accredited school it is probably best to contact the office in the state where the school is located.

Questions about NCA can also be directed to the Commission on Schools office at nca@nca.asu.edu or you may call us at 800/525-9517 or 602/965-8700.

Our mailing address is

North Central Association, Commission on Schools
Arizona State University
Farmer Building, Room 110
PO Box 873011
Tempe, AZ 85287-3011 USA

[Arkansas] [Arizona] [Colorado] [Iowa] [Illinois] [Indiana] [Kansas] [Michigan] [Minnesota] [Missouri] [North Dakota] [Nebraska] [New Mexico] [Navajo Nation] [Ohio] [Oklahoma] [South Dakota] [West Virginia] [Wisconsin] [Wyoming]
[Department of Defense Dependents Schools]

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North Central Association Commission on Schools

AN OVERVIEW

OPTIONAL AND SPECIAL FUNCTION SCHOOLS

Vision, Mission, Beliefs

This booklet begins with a statement of vision, mission, and basic supporting beliefs of NCA. These statements were developed and adopted in strategic planning sessions in 1993 and 1994.

NCA Standard

NCA's standard--to maximize the proportion of promoted or graduated students who are self-directed learners and are prepared to make successful school-to-school or school-to-work transitions--is a single overriding commitment to excellence. The achievement of the standard is supported by specific "membership" criteria.

Accreditation Endorsements

After achieving "initial membership," the school must begin an improvement cycle and pursue one of three endorsements—school improvement, outcomes, or transitions. In addition, a "district recognition" is available to districts meeting certain criteria.

In many aspects, the three endorsements are similar; however, there are differences. In the school improvement endorsement, a majority of the goals must focus on improved student learning (some may focus on organizational aspects of the school) and the peer review team visits once. In the outcomes endorsement, all targeted goals must focus on improved student performance, the peer review team (or the chairperson) visits the school three to five times, and regional review of the goals and the documentation is required. For the transitions endorsement, some goals are prescribed by NCA, there are multiple peer review team visits, regional review is required, and the school must demonstrate an increase in the proportion of promoted or graduated students who are prepared to be successful in the next transition.

Membership Criteria

There are five major criteria that specify those policies, procedures, and resources needed by a school to qualify for membership and to initiate and sustain an improvement process. The five criteria are:

- School Improvement Plan (SIP)
- Information System (IS)
- Process of Schooling (PS)
- Vision, Leadership-Governance, and School Community (VL)
- Resources and Allocation (RA)

The membership criteria are those requirements considered to be essential to the function of a school and are required to be met by all member schools. The school will be asked to attest to the fulfillment of these membership criteria on an annual basis, perhaps by annual report as in the past.

District Recognition

NCA accredits school-by-school; however, if all schools in a district are NCA members, district recognition is available. NCA's district recognition requires that the district adopt a continuous and coordinated K-12 school improvement process that includes the following:

1. The board of education, working with and through the school staff, parents, and community at large, establishes an overall vision for education in the community, identifies district-wide goals to advance that vision, and establishes an accountability system to document and monitor achievement of those goals.
2. The district establishes a district improvement committee whose members are drawn from the individual building steering committees. A district coordinator is selected to oversee school improvement efforts.
3. Each school has improvement goals which complement the district focus and goals.
4. There is continuity among elementary, middle level, and high school improvement efforts. These efforts involve collaborative planning among the three levels.
5. An external team visits the district at least once in every five years to monitor the district goals, the attainment of the goals, and the functioning of the district committee.

Definition of Schools Qualifying Under These Criteria

An optional school is one that offers students an alternative to the standard elementary or secondary school program. It may be either a public or a nonpublic school. A school designed to meet the educational needs of a particular group of students under very special circumstances also falls under these criteria as a special function school.

An optional school must offer a complete educational program for the students it serves. However, a special function school offering only a partial program may be accredited under these criteria if its particular offerings constitute an integral part of the student's regular elementary or secondary school program, with the remainder of the program being completed elsewhere.

A special function school seeking accreditation under these criteria must specify clearly the special function or unusual circumstances that enjoin a special program for the school. Its students must be selected on the basis of the school's expressed special function and the supporting program for the particular needs of those students.

Public schools established to serve all students within defined attendance areas, college preparatory schools, general program non-public schools, vocational/occupational secondary schools, and adult schools may not qualify under these standards. Alternative educational programs offered within or through a standard school may not be accredited under these standards since those programs would be covered by the accreditation of the encompassing school.

The school must comply with the established criteria wherever they are applicable to its operation. If the school believes a criterion does not apply to its particular situation, it must explain fully its rationale for that exclusion. The rationale will be subject to the review and approval of the Commission on Schools.

The Commission on Schools shall make the final determination of the eligibility of a school to apply for accreditation under these standards.

NCA STANDARD

Each member school shall maximize the proportion of its promoted or graduated students who are self-directed learners and are prepared to make successful transitions from school-to-school or school-to-work.

The school's pursuit and attainment of the standard will be accomplished by (1) meeting the membership criteria and (2) engaging in continuous school improvement by pursuing one of the accreditation endorsements.

Membership

Initial: The school meets membership criteria and agrees to pursue one of the endorsement options.

Continuing: The school continues to meet the membership criteria and demonstrates its progress through the phases of the chosen endorsement.

Accreditation Endorsements

In challenging schools to be ready for all learners, NCA requires its members to focus on improving student performance by utilizing NCA's endorsements. The school chooses one of three endorsement options which represents the school's current commitment to an improvement process designed to enhance learning for all students. All endorsements share a *COMMON PROCESS THAT INCLUDES PLANNING, INTERNAL ANALYSIS, EXTERNAL REVIEW, IMPLEMENTATION, AND DOCUMENTATION.* The endorsements described below are of equal status and provide flexibility in meeting school and student needs.

In addition a district may choose to be recognized for pursuing a coordinated and articulated district-wide focus on student performance. In the K-12 improvement process all schools may seek the same endorsement or each may seek a different endorsement.

School Improvement Endorsement

The school declares its intent to pursue a "school improvement" endorsement. In implementing the common school improvement process (identified above) the school:

- Develops a student profile and mission statement.
- Analyzes improvement needs.
- Establishes improvement goals (the majority of which focus on student learning).
- Submits selected goals to state office for review and approval.
- Develops a comprehensive school improvement plan (SIP).
- Hosts at least one visit by an external peer review team.
- Implements the school improvement plan.
- Documents goal attainment.
- Submits a three year progress report to the state office.

Outcomes Endorsement

The school declares its intent to pursue an "outcomes endorsement." In implementing the common school improvement process (identified above) the school:

- Develops a student profile and mission statement.
- Analyzes improvement needs.
- Establishes improvement goals that focus exclusively on student learning.
- Submits selected goals to state office for review and approval.
- Develops a comprehensive school improvement plan (SIP).
- Hosts at least three visits by an external peer review team.
- Implements the school improvement plan.
- Documents goal attainment and provides evidence of student success to the peer review team.

Transitions Endorsement

The school declares its intent to pursue a "transitions endorsement." In implementing the common school improvement process (identified above) the school:

- Develops a student profile and mission statement.
- Analyzes improvement needs.
- Establishes improvement goals that include prescribed transition goals.
- Submits selected goals to state office for review and approval.
- Develops a comprehensive school improvement plan (SIP).
- Hosts multiple visits by an external peer review team.
- Implements the school improvement plan.
- Documents goal attainment using NCA approved measures and provides evidence of student success to the peer review team.

NCA HOME : STANDARD : OSF : OVERVIEW : NEXT

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NCA **Sustaining a Tradition of Excellence Since 1895**

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Vision

The North Central Association challenges schools to be ready for all learners and to press them to excellence.

Mission

NCA is a dynamic school accreditation and evaluation organization that protects the public trust and is proactive in promoting a system of education that:

- Enhances student learning and the love of learning.
- Fosters healthy, creative, and innovative human beings.
- Prepares students to live and learn in an ever changing and diverse world.
- Ensures successful schooling transitions for its learners through the provision of standards and evaluation services for schools.

Beliefs

Student success, especially emphasizing improving student performance, represents the unifying theme of the organization's beliefs.

1. We believe that NCA standards and their application will enhance learning.
2. We believe that children are our greatest resource, and it takes the entire community to provide the highest quality education for them.
3. We believe that through the leadership of NCA schools will continuously improve.
4. We believe that the recognition and valuing of diversity and equity are essential for student success.
5. We believe that the quality of students' school experience is ultimately measured by her/his successful school-to-school (prekindergarten to postsecondary) and school-to-work transitions and by the creation of a desire for lifelong learning.

Back to the top

EMSU | CP | VOC | OSF

NCA HOME : STANDARD : MISSION

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AN OVERVIEW

ELEMENTARY, MIDDLE LEVEL, SECONDARY AND UNIT SCHOOLS

Vision, Mission, Beliefs

This booklet begins with a statement of vision, mission, and basic supporting beliefs of NCA. These statements were developed and adopted in strategic planning sessions in 1993 and 1994.

NCA Standard

NCA's standard--to maximize the proportion of promoted or graduated students who are self-directed learners and are prepared to make successful school-to-school or school-to-work transitions--is a single overriding commitment to excellence. The achievement of the standard is supported by specific "membership" and "improvement" requirements entitled "criteria" (see below).

Accreditation Endorsements

After achieving "initial membership," the school must begin an improvement cycle and pursue one of three endorsements—school improvement, outcomes, or transitions. In addition, a "district recognition" is available to districts meeting certain criteria.

In many aspects, the three endorsements are similar; however, there are differences. In the school improvement endorsement, a majority of the goals must focus on improved student learning (some may focus on organizational aspects of the school) and the peer review team visits once. In the outcomes endorsement, all targeted goals must focus on improved student performance, the peer review team (or the chairperson) visits the school three to five times, and regional review of the goals and the documentation is required. For the transitions endorsement, some goals are prescribed by NCA, there are multiple peer review team visits, regional review is required, and the school must demonstrate an increase in the proportion of promoted or graduated students who are prepared to be successful in the next transition.

Membership and Improvement Criteria

There are five major criteria that specify those policies, procedures, and resources needed by a school to qualify for membership and to initiate and sustain an improvement process. The five criteria are:

- School Improvement Plan (SIP)
- Information System (IS)
- Process of Schooling (PS)
- Vision, Leadership-Governance, and School Community (VL)
- Resources and Allocation (RA)

Under each of these five categories there are two types of criteria: membership and improvement. They are defined below.

The **membership criteria** are those requirements considered to be essential to the function of a school and are required to be met by all member schools. The school will be asked to attest to the fulfillment of these membership criteria on an annual basis, perhaps by annual report as in the past.

The **improvement criteria** are statements of exemplary practice and are considered necessary for a school to initiate and sustain a program improvement effort focusing on improved student performance. They are intended to promote continuous growth in each member school. Thus, as the school analyzes its improvement needs, the extent to which it has achieved the intent of the improvement criteria is an important component. Each school should strive to improve its attainment of the improvement criteria at the exemplary level. Schools will vary in terms of implementation of the improvement criteria; no violations will be cited if a school indicates it is at the "entry level" regarding the improvement criteria. The focus is on helping schools move from an entry level to an exemplary level over time.

District Recognition

NCA accredits school-by-school; however, if all schools in a district are NCA members, district recognition is available. NCA's district recognition requires that the district adopt a continuous and coordinated K-12 school improvement process that includes the following:

1. The board of education, working with and through the school staff, parents, and community at large, establishes an overall vision for education in the community, identifies district-wide goals to advance that vision, and establishes an accountability system to document and monitor achievement of those goals.
2. The district establishes a district improvement committee whose members are drawn from the individual building steering committees. A district coordinator is selected to oversee school improvement efforts.
3. Each school has improvement goals which complement the district focus and goals.
4. There is continuity among elementary, middle level, and high school improvement efforts. These efforts involve collaborative planning among the three levels.
5. An external team visits the district at least once in every five years to monitor the district goals, the attainment of the goals, and the functioning of the district committee.

Definition of a Unit School

A unit school provides a sequence of organized learning experiences for children encompassing grades kindergarten through twelve. Under special circumstances, a school with a grade organization continuing through grade 9, 10, or 11 but not through grade 12 may be considered a unit school at the discretion of the State Committee. The school shall have a common identity for all grades (as determined by the State Committee) and shall be so organized as to operate as a single entity. The organizational structure of the school is to be determined by the district so as to best facilitate the educational development of its students.

The organizational structure established by the school district will determine the particular policies and standards under which the individual school is eligible for accreditation, provided this is in accord with whatever state classification of school levels exists.

NCA STANDARD

Each member school shall maximize the proportion of its promoted or graduated students who are self-directed learners and are prepared to make successful transitions from school-to-school or school-to-work.

The school's pursuit and attainment of the standard will be accomplished by: (1) meeting the membership criteria, (2) meeting the intent of the improvement criteria, and (3) engaging in continuous school improvement by pursuing one of the accreditation endorsements.

Membership

Initial: The school meets membership criteria and agrees to pursue one of the endorsement options.

Continuing: The school meets membership criteria, the intent of the improvement criteria, and pursues one of the endorsement options.

Accreditation Endorsements

In challenging schools to be ready for all learners, NCA requires its members to focus on improving student performance by utilizing NCA's endorsements. The school chooses one of three endorsement options which represents the school's current commitment to an improvement process designed to enhance learning for all students.

All endorsements share a *COMMON PROCESS THAT INCLUDES PLANNING, INTERNAL ANALYSIS, EXTERNAL REVIEW, IMPLEMENTATION, AND DOCUMENTATION.* The endorsements described below are of equal status and provide flexibility in meeting school and student needs.

In addition a district may choose to be recognized for pursuing a coordinated and articulated districtwide focus on student performance. In the K-12 improvement process all schools may seek the same endorsement or each may seek a different endorsement.

School Improvement Endorsement

The school declares its intent to pursue a "school improvement" endorsement. In implementing the common school improvement process (identified above) the school:

- Develops a student profile and mission statement.
- Analyzes improvement needs.
- Establishes improvement goals (the majority of which focus on student learning).
- Submits selected goals to state office for review and approval.
- Develops a comprehensive school improvement plan (SIP).
- Hosts at least one visit by an external peer review team.
- Implements the school improvement plan.
- Documents goal attainment.
- Submits a three year progress report to the state office.

Outcomes Endorsement

The school declares its intent to pursue an "outcomes endorsement." In implementing the common school improvement process (identified above) the school:

- Develops a student profile and mission statement.
- Analyzes improvement needs.
- Establishes improvement goals that focus exclusively on student learning.
- Submits selected goals to state office for review and approval.
- Develops a comprehensive school improvement plan (SIP).
- Hosts at least three visits by an external peer review team.
- Implements the school improvement plan.
- Documents goal attainment and provides evidence of student success to the peer review team.

Transitions Endorsement

The school declares its intent to pursue a "transitions endorsement." In implementing the common school improvement process (identified above) the school:

- Develops a student profile and mission statement.
- Analyzes improvement needs.
- Establishes improvement goals that include prescribed transition goals.
- Submits selected goals to state office for review and approval.
- Develops a comprehensive school improvement plan (SIP).
- Hosts multiple visits by an external peer review team.
- Implements the school improvement plan.
- Documents goal attainment using NCA approved measures and provides evidence of student success to the peer review team.

NCA HOME : STANDARD : EMSU : OVERVIEW : NEXT

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APPENDIX B

*Policy #:*I, II, III, IV, V, VI.

POLICIES OF THE COMMISSION

The purposes of the Commission on Schools are to develop and maintain the standard and criteria for accreditation which ensure the preconditions for quality education and to foster school improvement. Below are the Commission's policies to be followed in the accrediting of schools.

POLICY I: ACCREDITATION

A school shall be accredited on the basis of its meeting the policies, standard, and criteria of the Commission on Schools. The Commission recognizes that unique circumstances of individual schools may result in accreditation with a deviation noted.

POLICY II: PERIOD OF ACCREDITATION

A school is accredited for one year at a time, which is always the current school year. However, its certificate of membership is valid as long as the school continues to satisfy the conditions for accreditation established by the Commission and is fully approved or accredited by the legally constituted or recognized accrediting agency in the state. If a state accrediting agency uses a multiple classification, a school must qualify for the class designated by the state committee as appropriate in that state.

A school that has withdrawn, been discontinued, or is dropped during the Annual meeting has its accreditation officially terminated. When a school loses its approval or accreditation by the legally constituted or recognized accrediting agency within the state, it becomes subject to the usual accredited-warned and dropped procedures.

POLICY III: CATEGORIES OF SCHOOL STATUS

The accreditation status of member schools shall be reviewed annually. Based upon an analysis of its annual report, on which all violations of policies or criteria must be cited, and such additional information as the Commission may require, a member school shall be classified in one of the following categories each spring at the Annual meeting:

1. **Accredited.** A school shall be classified as Accredited when it meets the requirements of all policies and criteria or when, in the opinion of the Commission, it fails to meet one or more of the policies or criteria and the resulting deficiency does not detract to a serious degree from the quality of the school's educational program.

2. **Accredited-Warned.** A school shall be classified as Accredited-Warned when in the judgment of the Commission:

    a. It fails to meet one or more of the policies or criteria and the resulting deficiency seriously detracts from the quality of the school's educational program,

    b. It consistently fails to remove or make substantial progress towards removing all deficiencies noted the previous year,

    c. It consistently violates policies or criteria, or

    d. It deliberately and unnecessarily violates one or more of the policies or criteria.

    The period of warning is for one academic year. If by the next Annual meeting the cause for warning has not been corrected, the school will be dropped from membership in the Association, except under extraordinary circumstances when a second warning may be given. A state committee may recommend a school for second warning only after receipt of written documentation from the school, including endorsement by the superintendent, attesting to the fact that it is the intent of the school to remove the cause for warning prior to the next Annual Meeting. A second warning may be given only by means of a three-fourths vote of members of the Commission present at the Annual meeting.

    When all schools within the district are warned for a violation beyond the control of the individual school, such as the deterioration of board/staff relationships, the warning shall not become additive as far as the individual school is concerned. However, only under the most extenuating circumstances will a second warning be granted for a district-wide violation.

3. **Withdrawn or Discontinued.** A school which voluntarily requests to withdraw or is discontinued will be classified as "Withdrawn" or "Discontinued" for the records of the Association. A written request approved by the school's governing board shall be made to the state office at least one week prior to the Annual Meeting.

4. **Dropped.** A school which finds it impossible to meet the policies or criteria or refuses to do so in successive years may be dropped from membership. A school shall not be dropped without a one-year warning if it has been accredited continuously for five years, except by a three-fourths vote of the members of the Commission present at the Annual meeting.

5. **Candidacy Status.** A school making initial application for membership but as yet unable to meet fully the policies and criteria for accreditation may seek candidacy status for a period up to three years. Candidacy status is not equivalent to accreditation. Candidacy status schools will be listed separately in the NCA Quarterly. Candidacy status entitles the school to participate in all NCA open affairs and functions but does not entitle the school to a vote. The following conditions must be met for candidacy status:

    a. The state committee helps the school ascertain which of the criteria for accreditation it currently is unable to reach, and the school develops a plan for correcting those deficiencies within the period covered by the candidacy status.

    b. A formal agreement is reached between the school board and the state committee to maintain candidacy status up to a limit of three years.

c. The school submits an annual progress report to the state committee. It is continued in candidacy status on the basis of that report, as recommended by the state committee and confirmed by the reviewing process at the Annual meeting.

d. The school fulfills whatever other specific requirements for candidacy status are established by the Commission on Schools.

e. The school pays full dues for each year it remains in candidacy status.

f. The school applies for and is granted accreditation sometime during these three years.

If the school has not attained membership by the third annual meeting following its placement on candidacy status, the status shall be terminated.

POLICY IV: SCHOOL IMPROVEMENT

Each school shall conduct a continuous improvement process that focuses on enhanced learning for all students. The following expectations shall be met:

PEER REVIEW SCHEDULE

1. The date for the peer review visit will be established jointly by the school, the chairperson, and the state office.
2. The Commission's evaluation cycle is once in every five years. [However, we recognize that some of our members affiliate with other organizations (such as ISACS), and there is a need to modify the evaluation cycle to accommodate these situations. At no time will the evaluation cycle exceed once in every seven years.]

PEER REVIEW TEAMS

3. The minimum time for the on-site visitation for schools pursuing the school improvement endorsement shall be two full days, exclusive of the teams' organizational meeting, team conference time, socializing activities, and follow-up.
4. The minimum size for a peer review team shall be five members plus the chairperson.
5. Members of the visiting team shall be selected by the state director or other designated person with the concurrence of the principal.
6. The majority of the members of the visiting team shall generally be classroom teachers and administrators who are presently working in schools.
7. In general, professionals from the local school district shall not be used on the visiting team. At least 75% of the members of the visiting team must be from outside the local district.

CHAIRPERSONS OF PEER REVIEW TEAMS

8. The entire organization, control, and direction of the visiting team shall be the responsibility of the visiting team chairperson at all times, unless the state director assumes the responsibility.
9. No persons shall serve as a chairperson of a visiting team unless they have participated in a training session for the task or have had successful prior experience as a chairperson.

10. No professional employed by or retired from the local district in which the school is located shall serve as a chairperson for the visiting team.

REPORTS OF PEER REVIEW TEAMS

11. The peer review team shall prepare a written report of the visit following the format required by the state office. The written report shall be filed according to State Committee guidelines in a timely fashion.

12. Each report shall include a title page that contains the following information: name and address of school, dates of visit, principal name, visiting team chairperson name, distribution of copies.

13. A disclaimer page shall to be included in all NCA peer review team reports. The disclaimer shall not be altered.

14. An oral exit report is presented at the close of the team visit. Prior to the exit report, the team chair informs the school administrator of the major recommendations to be identified during the exit report.

15. Prior to the completion of the visitation, all sections of the team report are submitted to the full team for review, amendment, and final adoption. Following this agreement and action by the team, no substantive changes are made in the content of the written report submitted to the school.

THE SCHOOL IMPROVEMENT PLAN

16. Within one year of receipt of the visiting team's report, the school develops and has on file with the state NCA office a comprehensive school improvement plan.

17. A representative of the state office (e.g., the chairperson of the team, an associateteam member, the state director, the assistant state director, a State Committee member) may return to the school within a year for a follow-up visit to review the comprehensive school improvement plan and its implementation. The NCA representative files a written report that addresses the school's implementation of the improvement plan with the state office.

18. The school continually reviews and, if appropriate, modifies the school improvement plan to ensure success for all students.

POLICY V: ALTERNATIVE DESIGNS AND PROGRAMS TO MEET POLICIES AND CRITERIA

A school or school system may prefer to develop formats and approaches that differ substantially from one or more of the accreditation criteria of the Commission on Schools. The intent of this policy is to encourage these developments under controlled conditions. Approval for such formats and approaches shall be sought annually from the state committee. Such variance will be considered and may be approved only when the following conditions are met:

1. The plans for alternative designs and programs are submitted in writing.

2. The purposes and objectives with accompanying activities and procedures are stated.

3. An evaluation process which details evaluation criteria for each of the objectives is built into the

plan. When the plan extends beyond one year, the state committee shall review on a yearly basis progress towards the accomplishments of the objectives. The review may include on-site monitoring and verification of progress.

POLICY VI: NON-DISCRIMINATORY ADMISSION OF STUDENTS

A school shall not discriminate in its admission of students on the basis of race, ethnic background, sex, or handicap. Nor shall it discriminate on the basis of religion unless the school is officially church-related and wishes to admit students mainly from communicants of that denomination. Schools that have been designed specifically to serve a single sex or that are supported by a state or federal agency to serve a specialized group of students shall not be considered discriminatory.

AMENDMENT PROCEDURES

1. A proposed amendment to any set of standard and criteria for accreditation may be submitted to the state committee, provided six member school principals in that particular category of schools in the state sign the petition specifying the particular amendment.
2. A state committee may, if it so desires, initiate specific amendments of its own.
3. The state committee shall pass the petition of amendments to the executive board at its December meeting accompanied by one of three recommendations:
    a. Endorsed,
    b. Not Endorsed,
    c. On Its Merits (No Recommendation).
4. If a Standards Review Committee has been appointed to represent the schools covered by that particular set of standard and criteria, then the state committee shall transmit the petition of amendment, accompanied by the state committee's recommendation, to that committee. The Standards Review Committee shall consider the proposed amendment and make its own recommendation on it. It then shall transmit the proposed amendment to the executive board at its December meeting, accompanied by one of three recommendations:
    a. Endorsed,
    b. Not Endorsed,
    c. On Its Merits (No Recommendation).
5. The Standards Review Committee may submit proposed amendments of its own to the executive board at its December meeting.
6. At its December meeting, the executive board shall consider each proposed amendment, affixing to it a recommendation of:
    a. Endorsed,
    b. Not Endorsed,
    c. On Its Merits (No Recommendation).

7. The executive board may, if it so desires, initiate specific amendments of its own although not later than its December meeting.

8. After the December meeting, the executive director shall notify each member of the Commission on Schools of the proposed amendments (and the various recommendations accompanying them) that are to be submitted to the Commission on Schools at the forthcoming Annual meeting.

9. The proposed amendments, along with the recommendations of the state committees and the executive board, shall be submitted to the Commission on Schools at its Annual meeting. The Commission may by a simple majority vote take one of five actions:

   a. Adopt the amendment as submitted.

   b. Reject the amendment as submitted.

   c. Amend the proposal, then adopt it as amended.

   d. Defer action until the next Annual meeting.

   e. Submit the issue to a referendum vote of the membership.

10. General considerations:

    a. No amendment to any set of standard and criteria for accreditation may be proposed in a manner other than that described above.

    b. A petition to amend may be withdrawn at any stage of this process by a written revocation signed by a majority of the member principals who signed the original petition.

    c. A proposal for the revision (extensive reformulation) of any set of standard and criteria for accreditation must first be recommended by the executive board, then be submitted to the Commission for final action.

APPEAL PROCEDURES

APPEALS FROM ACCREDITATION DECISIONS

Both member and newly applying schools are accorded the right to appear before the state committee or the Commission on Schools to contest any recommendation or decision on its classification for accreditation. The procedures to be followed are:

A. Appeal from the Decision of the state committee

   1. At least two weeks prior to the Annual meeting of the Commission on Schools, the school is to be notified in writing of the proposed recommendation for accreditation and the reasons for that recommendation.

   2. The school may submit a written request to have its representative(s) appear before the state committee, or a subcommittee thereof authorized to act on behalf of the state committee, to lodge an appeal or to submit additional evidence. The appeal shall state the specific reason for seeking a reversal of the decision. This meeting must be held at least one week prior to the Annual Meeting.

3. A school wishing to contest the state committee's decision beyond this point may make application to the Executive Director of the Commission on Schools no less than 48 hours prior to the session of the Annual meeting at which the accreditation of schools is to be considered, to have its representative(s) appear before the reviewing committee when the status of the school is being considered and subsequently before the Commission at the Annual meeting.

B. Appeal from a Decision of the Commission on Schools

A school may appeal a decision of the Commission on Schools on the basis of alleged departure from established procedures, bias, injustice, misapplication of membership policies and criteria, or for the presentation of additional evidence. The procedures to be followed are:

1. The appeal shall be filed with the executive director of the Commission on Schools not less than 10 nor more than 30 days after the Annual meeting.

2. The appeal shall state specifically the reasons for seeking a reversal of the decision of the Commission.

3. A panel of three impartial educators shall be selected in this manner:

   a. one by the executive board of the Commission on Schools,

   b. one by the NCA Board of Directors, and

   c. one by the state committee.

   Efforts shall be made to enlist the services of respected educators who are knowledgeable about NCA requirements but who are not immediately involved in NCA activities in any elected or appointed post at either the state or regional level. The administration of the appellant school shall have no power to veto the panel members selected.

4. The expenses of the panelists are to be borne fully by the appellant school, but the panelists are not to receive honoraria or fees.

5. The panel must hold a hearing within three weeks of the time the appeal is filed, at which hearing the school may present its case and submit whatever additional information it wishes.

6. The recommendation of the panel is to be submitted to the executive board at its June meeting. at which time the State Director and representatives from the school may be present.

7. The executive board's decision on the matter is reached at that June meeting.

8. If it so decides. the school may then appeal to the NCA Board of Directors, using the procedures outlined below.

APPEALS TO THE ASSOCIATION BOARD OF DIRECTORS

A school/institution may appeal a decision of the Commission on Schools to the Association Board of Directors. The procedures are published as part of the Rules of Procedure of the North Central Association. Included in the document are grounds for appeal, administration of the appeals process, appeals panel, notice of intent to appeal, payment for costs of the appeal, filing of the appeal document, commission response, public response to inquires, appeals committee, scheduling the appeal hearing, procedure for the hearing, decision of the appeals committee, and written report of the appeals committee. The appeals process is published annually in the summer edition of the NCA Quarterly. You may also telephone the Commission office (800-525-9517) for a copy of the document.

APPEALS FROM EVALUATION DECISIONS

A member school may contest any decision by a state committee or by the executive board relating to its evaluation program. The procedures to be followed are:

1. Following a state committee's adverse decision on an evaluation procedure, the school administrator shall submit to the executive director a written request, supported by documentation, for appeal of the decision. The written request shall state the specific reasons for seeking a reversal of the decision.
2. The executive director shall schedule an executive board review of the appeal at the next meeting of the Executive Board.
3. A school choosing to contest a state committee decision beyond the executive board may make application to the Executive Director of the Commission no less than 48 hours prior to the next session of the Annual meeting of the Commission.

EMSU | CP | VOC | OSF

NCA HOME : STANDARD : APPENDIX B : NEXT

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APBA

December 17, 1999

Patricia Shaw, Secretary
Association for Performance-Based Accreditation
4417 West Golden Lane
Glendale, AZ 85302

Re: APBA Peer Review Training Session
Date: January 12, 2000 **Time:** 10:00 AM to 2:00 PM
Location: Intelli-School Charter School - Metro Center Site
3101 West Peoria Avenue, Suite B-305 (map included)
Phoenix, AZ 85029

Dear Charter People;

On behalf of Board of Directors of APBA I want to thank each and every one of you for your response and enthusiasm in assisting with the birth and delivery of APBA. The current board consists of the following members:

Jim Parks, PPEP-TEC	President
Tom Drexel, Presidio High School	Vice-President
Patricia Shaw, Intelli-School	Secretary
Patricia Bassett, Omega Academy	Treasurer

The Board will be the presenters for the Peer Review Training. We will cover a lot of necessary information on the Peer Review Process as it was envisioned and implemented.

- Jim will be covering SPED/504, student records and student record confidentiality, what to look for in SPED P&P's.
- Tom will address the business and financial side, annual budgets, procurement P&P's, audit reports, open meeting compliance and Board Procedures.
- Patricia (Bassett) will cover academic standards, curriculum, alignment to state standards, student assessments and non-discriminatory standards.
- Patricia (Shaw) will cover employee P& Ps, student P& P's, student discipline, reporting, and charter contract regarding personnel and OSHA compliance.

Thanks for your willingness to assist with this process; this is an exciting time for all of us.

Sincerely;

Patricia Shaw

ASSOCIATION FOR PREFORMANCE-BASED ACCREDITATION

1-602-564-7390

INTRODUCTION

When Arizona passed its charter school legislation in 1994, no one would have predicted that this state would be leading a ground-swell movement for school choice. Today, five years and 275 charters later, Arizona stands in the forefront of education reform. The legislation passed in Arizona remains the most progressive, dynamic and market-based of all charter legislation in the country; and this is revolutionary in the field of education. As in all revolutions, credibility is essential. Scrutiny and criticism are inevitable. In this market-based environment, charters welcomed the scrutiny and voluntarily stepped up to the plate.

Accreditation is the most commonly used method of ensuring that school academics, health and safety issues and student performance measures are aligned with existing standards. Accreditation also provides a framework for schools to undergo a continuous process of self-study and school improvement.

During 1995-1997 the majority of Arizona charter schools began the accreditation process through North Central Association. However, many of these schools found that the traditional measures involved in this accreditation cycle were too limiting, too archaic and not sufficiently rigorous to ensure student achievement and school improvement. This method of accreditation did not meet the needs of those schools on the vanguard of education reform.

ORIGINS

This was the scenario in January of 1997. The general membership of the Arizona Charter Schools Association (ACSA) directed its Executive Committee to investigate, research and propose an alternative accreditation model. This model must be both rigorous enough to ensure credibility and general enough to meet the needs of hundreds of different charter schools each with a different mission and vision.

What evolved is the Association for Performance-Based Accreditation (APBA). APBA has been presented back to the general membership of ACSA at the Annual Conference in Phoenix in January 1999. APBA has been presented at the Second National Charter School Conference hosted by the US Department of Education in Denver, CO in March of 1999. APBA has received rave reviews and considerable support from the Governor of Arizona, The Honorable, Jane Dee Hull, Arizona Superintendent of Education, Lisa Graham-Keegen, members of the Arizona Legislature, and many members of ACSA who are waiting to climb on board and initiate the accreditation process.

Unlike traditional district schools, a charter school must go through a lengthy process prior to a charter being issued. An applicant must provide a considerable amount of research and information as part of the charter application. Prior to submitting a charter application for review, the applicant(s) must do the following (items in Italics duplicate Steps 1,2, and 3 of the traditional accreditation cycle):

- *Engage the relevant stakeholders in the design and creation of the vision, mission, goals and objective of the potential charter*
- *Research the demographics of the community targeted by the potential charter*
- *Do a market analysis in order to gauge the success factor of the potential charter*
- Provide a five year itemized budget (using USFR-CS or GAAP).
- Provide a school calendar with the required number of instructional days and demonstration of staff development/training times
- Provide a standards based scope and sequence of the curriculum to be used and samples of curriculum products
- Describe the instructional method to be implemented and the rationale given the student population targeted
- *Describe and provide a mechanism for assessing student performance that is tailored to the instructional method used, the population of students targeted and the vision and mission of the potential charter*
- Provide a mechanism for assessing and ensuring teacher competency if non-certified teachers are to be employed.
- Provide a description of how services to students with disabilities will be provided, by whom and provide special education policy and procedures
- Locate a site, provide site and architect drawings that have city zoning approval and approval from the State Fire Marshall
- Provide resumes, background checks, fingerprints and any relevant certifications of all applicants and board members
- Sign assurances that the charter, the corporation that will hold the charter and the individuals involved will maintain compliance with open meeting laws.

Once these areas have been addressed contractually the charter application goes through a rigorous review prior to submission to the sponsoring board. **At this point the charter applicant has been required by statute to follow *and clearly exceed* the initial three to four steps in the traditional 3-5 year accreditation cycle.**

ORGANIZATION

We invite you to join other schools in the accreditation process. The following is a summary of APBA, its Mission, and the Method for initiating the Accreditation Cycle, the Requirements for Membership and the Types of Membership.

ORGANIZATION

The APBA is a non-profit association of member schools dedicated to improving academic excellence through the measurement of student achievement. The APBA also supports the market-based environment, which allows educational choice for all students. The Association will be governed by the member schools. The APBA will work closely with all of the sponsoring entities on the common goals of school performance, school credibility, parental choice and the dissemination of relevant information.

MISSION

Market-based systems work most effectively when consumers and other stake holders have ready access to meaningful, accurate and timely information. The APBA promotes and supports the diversity of vision held by its members and encourages each member to make its vision an educational reality.

The mission of the Association for Performance-Based Accreditation (APBA) is to assist schools through the process of self- and peer-evaluation and accreditation. APBA will also provide member schools a mechanism for providing accreditation information to parents, students, schools, governing boards, sponsoring entities and other interested parties to assist them in evaluating schools.

METHOD OF ACCREDITATION

Accreditation is the most commonly used method of ensuring that school academics, health and safety issues and student performance measures are aligned with existing standards. Accreditation also provides a framework for schools to undergo a continuous process of self-study and school improvement. The school seeking accreditation will request an application packet from APBA. The directions for completing the application are included in the packet. At a minimum the school's goals must refer to the following major components of the accreditation process:

- Goals - The school will establish goals. The goals will be specific enough and general enough to allow the reader to obtain a clear understanding of the school. The goals must be measurable and directly related to student outcomes. At a minimum the school's goals must address:
    1. The school's "grade-level equivalency" score increase from the previous year on state mandated standardized tests.
    2. Academic gains as measured by assessments other than the state mandated assessment.
    3. Other goals that describe the school's philosophy and vision.
- Annual Report - Each applicant school will submit an annual report in which they address each of the goals set, assess the school's achievement in each goal area and amend any goal necessary.
- Annual Parent Satisfaction Survey - An annual parent satisfaction survey will allow parents to relate their overall satisfaction with their child's school as well as the school's performance on each of its goals.

MEMBERSHIP REQUIREMENTS

The applicant school is required to make a timely submission of the application packet. There is a $50 non-refundable processing fee. (This processing fee will be deducted from the total membership fee when the applicant school completes the application process.)

The applicant school is required to identify individuals or schools who will assist with the site visit, if one is required. [This item has not been clarified by the Board.]

Applicant schools, which are members of the Arizona Charter Schools Association, will be charged a fee of $2 per student for the accreditation cycle.

Applicant schools, which are not members of the Arizona Charter Schools Association, will be charged a fee of $100 dollars plus $5 per student for the accreditation cycle.

MEMBERSHIP STATUS

Candidacy Status- applicant is in the initial stage of application process. Application has been submitted, goals have been defined and school is in process of collecting corroborating data.

Member Status- applicant school has successfully completed its first annual report and parent satisfaction survey. All member school that do not achieve the requirements for "Member in Good Standing" or are not under disciplinary action as "Member on Probation" will simply remain "Member Schools."

Member in Good Standing Status- Member school demonstrates academic excellence, high parent satisfaction, compliance with all legal requirements, and strong financial management will be moved to the level of "Member in Good Standing."

Member on Probation Status- Member school that demonstrates poor academic performance, low parent satisfaction, lack of compliance with legal requirements or poor financial management will be placed on probation. Such schools may lose their membership.

Application forms and additional information will be mailed to all Charter Schools during August of 1999. For additional information please contace:

Association for Performance-Based Accreditation
C/o Patricia Shaw, Chair
4417 West Golden Lane
Glendale, Arizona 85302
1-602-564-7390 Phone
1-602-564-7301 Fax

Arizona Charter Schools Association

Newsletter Nov-Dec 1999

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Tempe, Az 85285-7235

PHONE (480) 775-6237

FAX (480) 820-8277

e-mail:

glrichardson@netzero.net

Annual Convention!

The Arizona Charter Schools Association Board of Directors has set February 18-20, 2000 as the dates for its fifth annual convention, in Tucson. The location is the Clarion Hotel Randolph Park, 102 N. Alvernon Way. Beginning with an optional kick-off reception on Wednesday February 17 from 6:30 to 8:00 p.m., the meetings Friday and Saturday will be two days of education, information, and fun. The highlight of the meetings will be an anticipated appearance by one of the US Presidential candidates. We're waiting for official confirmation, but the invited candidates are likely to be in Arizona for the Februray 22 Presidential Primary, so our hopes are high!

> ***"This year's convention will be a great opportunity to increase your knowledge of the system, and help you avoid the pitfalls that could hurt you"—Vicki Jo Anderson, ACSA President***

Educational workshops will cover the following topics: Classroom management; Technology in the Classroom; Post-Secondary Education; Finance; Az Regional Resource Center; Association for Performance Based Accreditation; Special Education; Legal Issues; Testing; and Policies & Procedures. Additional workshops are still being organized. Some of your most difficult issues will be discussed and explained.

Charter School operators and friends of Charter Schools will be honored for their contributions to "the cause." Vendors will be exhibiting their goods and services. Our annual meeting will be held and new officers will be elected (you must be an association member to be able to vote).

Costs for the convention are as follows: Early registration (before January 21)—members $150, nonmembers $200. Regular Registration (after January 21)—members $175, nonmembers $225. The kick-off reception on Wednesday is $10, and the Friday dinner at Old Tucson is $35.

Registration packets are being printed right now, so look for yours soon!

Federal Funding Increased 45% for Charter Schools

After months of wrangling, the US House, Senate and Clinton Administration have finally reached agreement on the big tax and appropriations bill that allowed Congress to adjourn for the year and return home this past weekend.

Way down in the small print is affirmation of the earlier House-Senate Conference Committee agreement to increase appropriations for the federal charter grant program from $100 to $145 million for the fiscal year that began October 1.

Part of the final compromise mega-deal was an agreement by the Clinton Administration to a Republican-initiated across-the-board cut in overall spending of approximately 0.4%. It's not clear how the Administration will handle this and how much discretion it will use in applying that cut to the overall budget, spending in particular departments, or individual programs. However, if this cut were applied to the $145 million appropriated to the charter grant program, it would amount to less than $600,000 — not enough to worry about, in the larger scheme of things.

Bottom line, this is a major, major victory for charter schools — an incredible showing of bi-partisan support during a time when partisanship is running rampant in Washington.

Message from Vicki Jo Anderson, President, ACSA

Welcome to the Arizona Charter Schools Association (ACSA) newsletter. This newsletter will keep you up-to-date with the latest in charter schools. Mark your calendars for February 18-19,2000. ACSA will be holding its 5th annual convention in Tuscon. At the national convention in Denver we ran a survey of the schools present and asked them what they would like to see at our convention. The subject requested most often was classroom management. At the state convention in February there will be complete breakout sessions on this subject. Teachers will be invited to the Saturday morning session. This is just one of the many exciting topics that will be offered at the convention.

REGIONAL GROUPS

In order to strengthen our forces we are encouraging regional luncheons or afterschool meetings. The Tucson group is the great pioneer in this area. They meet monthly and "pick each others' brains." For more information about the Tucson group call Mary Melton at ACE, (520) 628-8316.

We in the Verde Valley and Sedona area met this month and are going to work together in a Special Education consortium. It was very helpful to share each other's information on resources. If you live in the North Phoenix area call Patti Shaw at Intellischool, (602) 564-7310 or Dr. Patricia Bassett at Omega, (602) 269-1007. We need group leaders in Phoenix and the East Valley. Our Tucson group founder, Mary Melton, recommends that you have two or three committed operators, and it just tends to grow from there. Call our Executive Director, Gary Richardson if you are willing to be one of those founders and he will help you. His number is (480) 775-6237.

SURVEYS

Are you sick of surveys? We are! But PLEASE do not dump in the trash the survey from the Center for Educational Reform! You have probably already received this survey. CER is doing a survey funded by the Walton Family Foundation and the Daimler Chrysler Foundation. This is an effort to help Charter Schools. CER is one of our proponents. They have gone out of their way to make the form simple and easy for a quick response. So please fill it out and return it in the self-addressed, stamped envelope. If you need another copy call Barbara Davidson at (301) 428-8548 or e-mail her at bdavidshea@aol.com.

CONVENTION 2000

The annual Arizona Charter Schools Association convention will be held February 18 & 19 in Tucson. We're working hard to make this an informative, educational, and fun time for all who attend. Be sure to sign up as soon as you receive your packet, to take advantage of the early registration discount. Members of our association will be able to register at substantial additional savings. Our theme will be "Strength in Numbers," so we will need your input and support. Thanks for all you do!

> ***"Are you sick of surveys? We are! But PLEASE do not dump in the trash the survey from the Center for Educational Reform!"***

Please Join Our Associaton!

ACSA is dedicated to supporting the efforts of Arizona's charter schools to continually create and improve educational opportunities for the students, families, and communities they serve. Our goals are to:

1. Promote the ideal of charter schools to public and private sector organizations.
2. Promote alternative models of educaiton which emphasize public education partnerships with the private sector.
3. Provide a forum for charter operators and potential operators to meet and develop as a professional association.
4. Provide to its members those services which will enable charters to flourish, prosper, and maintain autonomy.
5. Take a pro-active stance regarding pending legislation.

ANNUAL DUES:

Charter School:	
<150 students	$250
151-300 students	$375
301+ students	$500
Corporate/Vendor:	$500
Individual:	$100

Please mail to:
Margaret Roush-Meier, Treas
2380 N. Oakmont
Flagstaff, AZ 86004

OUR MISSION

Our mission is to provide an organized voice for parents. We are a vehicle for those who desire clear communication with any entity that may influence the education of children, either directly or indirectly.

ARIZONA CHARTER SCHOOL
PARENTS' ASSOCIATION
A VOICE FOR CHOICE IN EDUCATION

835 W. Warner Rd. Suite 101 #211
Gilbert, AZ 85233
Phone: (480) 855-1663
Fax: 480-373-6558
E-mail: parentsvoice@kendra.com
Web Site http://home.kendra.com/acspa

ARIZONA CHARTER SCHOOL PARENTS' ASSOCIATION

A ***VOICE FOR CHOICE*** *IN EDUCATION*

Our children deserve the best.

ARIZONA CHARTER SCHOOL PARENTS' ASSOCIATION

There are thousands of charter school students and parents in Arizona. Until now, we have had no organized voice. It is our desire to bring together a network of people who want to be informed on any issues that affect or pertain to the charter system. There are "entities" out there that would be thrilled to see an end to charter schools. By coming together we have an opportunity to be heard on equal grounds by the Arizona law makers.

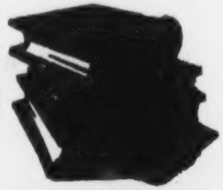
As parents of charter school children, we must unite our voices in protecting our right and choice of how and where we educate our children. Your Legislative Representatives need to know where you stand . . . and you need to know where they stand on issues affecting education and charter schools .

Please consider joining with us in our efforts to preserve the charter system for generations to come. There is truly strength in numbers.

A VOICE FOR CHOICE
IN EDUCATION

Goals

1. To preserve the charter system for generations to come.
2. To provide accurate, up-to-date information regarding charter schools and the overall educational environment for children in Arizona; by means of E-mail, a web page, and/or newsletter.
3. To be a support to our individual schools.
4. To be heard on a political level, so that we are not acted upon by the state or federal government without knowledge of the issues.
5. To bring to pass any beneficial activities that enhance and strengthen our children and their educational experience.



MEMBERSHIP DUES

$20.00 PER FAMILY, PER YEAR

These monies will be used by the association for costs incurred for E-mail, web page, newsletters, lobbying, etc.

Name

Address

Phone

E-Mail Address

Make check payable to: Arizona Charter School Parents' Assoc.

☐ Check #

[redacted]

835 W. Warner Rd. Suite 101 #211
Gilbert, AZ 85233
Phone: (480) 855-1663
Fax: 480-373-6558
E-mail: parentsvoice@kendra.com
Web Site http://home.kendra.com/acspa

BEST COPY AVAILABLE

SECTION 12

ESTABLISHING A SMALL BUSINESS

ESTABLISHING A SMALL BUSINESS

In many ways, starting a charter school requires the skills of an entrepreneur. The *1998-99 Small Business Book: A Guide to Establishing & Operating A Business,* available at no cost from the Arizona Department of Commerce, will provide answers to many of the questions you will have as you develop your application and start-up your school. The information is also available online through Arizona Central at http://www.azcentral.com. A well-formulated business plan and marketing strategies are an important part of the application process.

The Arizona Business Connection and Arizona Business Assistance Center are located within the Arizona Department of Commerce. The services include the Arizona Business Connection, Arizona Minority/Women-Owned Business Services, and the Arizona Small Business Advocate. It is a great resource for information and referrals.

A customized packet containing the forms you need for starting a business is available from the Arizona Department of Commerce or any of the Small Business Development Centers located throughout Arizona. Consultants are available to help at no cost to you.

Arizona Department of Commerce
3800 North Central Avenue, Building D
Phoenix, AZ 85012

Phoenix (602) 280-1480   Tucson (520) 628-6690
(800) 542-5684
TTD (602) 280-1301
Fax (602) 280-1339

Also included in this section are:

- Legal Forms of Business Organizations and Name Registration
- Comparison of Business Structures
- AZ Corporation Commission: General Filing Instructions, Checklists & Forms
  - Profit and Non-Profit Companies
  - Limited Liability Companies
- Trademark and Trade Name Laws: Information & Forms
- Selecting a Business Location/Charter School Facility
- City and Town Licensing Offices
- Vendor Registration and W-9 Forms
- Checklist for Going into Business

BUSINESS STRUCTURE AND NAME REGISTRATION

Establishing a business in the state of Arizona is a simple process. The first step is to determine which form of business structure is most appropriate for your operations. To do this, an analysis of the various legal and tax-related implications associated with the forms of business structure must be conducted. In Arizona, as in all states, several business structures exist. The four most common are the sole proprietorship, general and limited partnerships, limited liability company, and corporation. The state also recognizes a limited liability partnership.

The following section provides a brief description of each, including general advantages and disadvantages. An attorney and/or certified public accountant should be consulted for further information and advice on selecting the appropriate structure for your business. Once you have determined the legal structure of your business, the next step is to complete the necessary registration requirements. Most businesses are required to register with the state and/or county in which the enterprise will operate, and these registration requirements vary.

Sole Proprietorship

The sole proprietorship is the simplest and most common form of business organization. A sole proprietorship is defined as a business that is owned by one individual. The owner is personally responsible for all debts of the firm. Profits are considered as personal income and taxed accordingly.

Advantages of a sole proprietorship include:

- Minimum legal restrictions
- Ease of formation
- Low start-up costs
- Sole ownership of profits
- Maximum freedom in decision-making

Disadvantages of a sole proprietorship include:

- Unlimited liability
- Less available capital than in other types of business organizations
- Relative difficulty in obtaining long-term financing

If the business is going to be a sole proprietorship operating under a name other than your own, you should register the business name (commonly known as "doing business as" or "DBA") with the Arizona Secretary of State's Trademark and Trade Name registration office and the County Recorder of the county in which you will operate.

The Secretary of State's office is located at 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007. The telephone number is (602) 542-6187 or statewide toll free (800) 458-5842.

General Partnership

A general partnership is an association of two or more persons joined together to carry on trade or business for profit. As in the sole proprietorship, partners are personally responsible for all debts of the firm. The partnership's existence is usually formalized through preparation of a partnership agreement. Formal partnership agreements should be prepared by, or at least reviewed by, an attorney. In general, partnership agreements outline each partner's share of income, gain, loss, deductions, credits, and methods to dissolve the partnership under various situations including death of one or more partners.

Advantages of a partnership include:

- Ease of formation
- Direct rewards
- Broader management base

Disadvantages of a partnership include:

- Unlimited liability of general partners
- Divided authority in decision-making
- Difficulty in disposing of partnership interest

General partnerships transacting business in Arizona under a fictitious name, or a designation not showing the names of the partners, should register the business name "doing business as" or "DBA" with the Arizona Secretary of State's Trademark and Trade Name registration office and the County Recorder of the county in which the business is located.

The Secretary of State's office is located at 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007. The telephone number is (602) 542-6187 or statewide toll free (800) 458-5842.

Limited Partnership

This form is similar to the general partnership with several major differences.

Some of these differences include:

- At least one person must be identified as a general partner and be responsible for the operation and liability of the organization
- Limited partners are not active managers of the business and are not liable for the organization's debts, etc.

If the business is a limited partnership, domestic (Arizona-based) or foreign (not Arizona-based), you are required to register with the Arizona Secretary of State's Trademark and Trade Name registration office, 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007; telephone (602) 542-6187 or statewide toll free (800) 458-5842. The business name should also be registered with the County Recorder of the county in which the business is located.

Limited Liability Partnership

Limited Liability Partnership (LLP) is a recent form of business entity in Arizona. For additional information regarding an LLP, please contact an attorney or your county bar association. The lack of clear legal precedent could be a disadvantage.

To register a Limited Liability Partnership, domestic or foreign, please contact the Arizona Secretary of State's office, 1700 West Washington Street, 7th Floor, Phoenix, AZ 85007. The telephone number is (602) 542-6187 or statewide toll free (800) 458-5842.

Corporation

A corporation, sometimes referred to as a "C Corporation," is the most complex type of business organization. It is formed by law as a separate entity, completely distinct from those who own it, and has its own rights and responsibilities.

In forming a corporation, potential shareholders offer money and/or property in exchange for capital stock. The stockholders are the owners of the corporation and the managers of the firm may or may not be stockholders. Businesses that incorporate in this state must file Articles of Incorporation with the Arizona Corporation Commission.

Out-of-state corporations wishing to do business in the state must file an Application for Authority to Transact Business.

Advantages of a corporation include:

- Separate legal entity
- Limited liability for stockholders
- Unlimited life for the business
- Relative ease in raising capital
- Transfer of ownership through sale of stock
- Ability to draw on the skills and expertise of more than one individual

Disadvantages of a corporation include:

- Complex and relatively expensive to organize
- Activities limited by the corporate charter
- Extensive regulation and record-keeping requirements
- Double taxation - once on corporate profits and again on dividends

Incorporation of a business in Arizona involves the following steps:

1. Make sure that the name you plan to use has been checked with the Arizona Corporation Commission and is available for use by your corporation. A business name may be reserved for 120 days.
2. Deliver the original and one or more copies of the Articles of Incorporation to the Corporation Commission.
3. Show a street address for the statutory agent (P.O. Box not accepted).
4. File Certificate of Disclosure (included in the incorporation application forms).
5. Pay the required fees.
6. Advise the commission, in writing, of the fiscal year to be used by the corporation.
7. Publish the Articles of Incorporation within 60 days after filing with the Arizona Corporation Commission. The Articles must be published in three consecutive issues of a newspaper in general circulation in the Arizona county of the corporation's known place of business. Within 90 days after filing, an affidavit of this publication must also be filed with the Arizona Corporation Commission.

Foreign Corporation

If the business is a foreign corporation (an entity organized under the laws of another state or country), it must be registered with the Arizona Corporation Commission.

Foreign corporations applying for Authority to Transact Business in Arizona must comply with the following at the time of filing:

1. Make sure the name that you are using has been checked with the Arizona Corporation Commission and is available for use by your corporation. The name may be reserved for 120 days.
2. Deliver the original and one or more copies of the Application for Authority to the Corporation Commission.
3. Show a street address for the statutory agent (P.O. Box not accepted).
4. File Certificate of Disclosure (included in application forms).
5. Pay the required fees.
6. Advise the Corporation Commission, in writing, of the fiscal year to be used by the corporation.
7. Publish the Application for Authority within 60 days after filing with the Arizona Corporation Commission. The application must be published in three consecutive issues of a newspaper in general circulation in the Arizona county of the corporation's known place of business. Within 90 days after filing, an affidavit of this publication must also be filed with the Arizona Corporation Commission.

Additional information on incorporating may be obtained from the Arizona Corporation Commission, Corporations Division, 1300 West Washington Street, Phoenix, Arizona 85007, (602) 542-3135; or 400 West Congress Street, Suite 221, Tucson, Arizona 85701, (520) 628-6560 or statewide toll free (800) 345-5819.

S Corporation

Subchapter S Corporations, also referred to as "S Corporations," elect not to be subject to federal corporate income tax. The shareholders, however, include their shares of the corporation's items of income, deduction, loss, and credit, or their shares of non-separately computed income or loss, as part of their personal income.

To qualify for S Corporation status, a corporation must meet the following requirements:

- It must be headquartered in the United States
- It must have only one class of stock
- It must have no more than 35 shareholders
- One individual may serve as both President and Secretary
- It cannot have any Non-Resident Alien as a shareholder

Until 1997, certain restrictions had existed on the ownership of Subchapter S Corporations by corporations, trusts and pension plans. Recent changes in the tax laws have liberalized these rules; however, current restrictions must be checked carefully at the time of filing. Please refer to your attorney and Certified Public Accountant for further information regarding the changes in law. Publications may contain outdated information.

A corporation meeting all of the above criteria can become an S Corporation if:

1. All shareholders consent to the corporation's election of S Corporation status.
2. The corporation has a permitted tax year.
3. IRS Form 2553, Election by a Small Business Corporation, is filed to indicate the choice of S Corporation status. The corporation must qualify as an S Corporation at the time it files Form 2553.

For more information on S Corporations, obtain IRS Publication 589, Tax Information on S Corporations, from the IRS Forms Distribution Center, Rancho Cordova, California 95743-0001. The telephone number is (800) 829-3676.

To incorporate your business, contact the Arizona Corporation Commission, 1300 West Washington Street, Phoenix, Arizona 85007, (602) 542-3230; or 400 West Congress Street, Suite 221, Tucson, Arizona 85701, (520) 628-6560.

Limited Liability Company (LLC)

A Limited Liability Company offers businesses the protection of a corporation and the single taxation feature of a partnership.

Limited Liability Company Advantages:

- Limited disclosure of owners
- Limited documentation (organization and annual)
- No advance IRS filings (as with S Corporation)
- No public disclosure of finances
- Lower filing fees
- Professional LLC's are allowed
- Can build in buy/sell and owner compensation provision - no separate document
- Ease in transfer of ownership
- Can use special allocations between owners
- Can use different classes of owners
- Member (owner) involved in LLC operation insulated from liability
- Can assign management to a non-member

Limited Liability Company Disadvantages:

- Out-of-state business complicates status if the other state does not recognize LLC
- Large number of owners complicates status
- Death, bankruptcy, or withdrawal of owner could cause problems

Tax Provisions Advantages:

- No tax at LLC level
- Established and well-seasoned partnership rules apply
- No new Federal ID number required when converting from partnership to LLC
- No withholding tax on owners' salaries
- No double tax on appreciation ("built-in gain")
- More flexible restructuring possible
- No problem with retained earnings
- Easier structuring of debt
- Step-up in tax basis on death of member or sale of interest
- Less tax on owners' retirement pay
- Tax-free distribution of assets possible
- Flexibility in contribution of assets to the LLC

- Member's "outside" expenses not classified as miscellaneous itemized deduction subject to 2 percent disallowance

Tax Provisions Disadvantages:

- Status of self-employed tax on owners uncertain
- Status of sales tax on owners/lessees uncertain
- Some gain on appreciation may be taxed as ordinary income
- No shifting of appreciation on contribution of property to LLC

To register a Limited Liability Company, domestic or foreign, please contact the Arizona Corporation Commission, 1300 West Washington Street, Phoenix, Arizona 85007, (602) 542-3135; or 400 West Congress Street, Suite 221, Tucson, Arizona 85701, (520) 628-6560 or statewide toll free (800) 345-5819.

The Department of Commerce acknowledges Ira S. Feldman, CPA, of Toback CPAs P.C., for providing information on the Limited Liability Company.

Tax-Exempt Organizations (Non-Profit Corporations)

There are over a dozen different types of corporations approved by the Internal Revenue Service as "Non-Profits." These organizations are usually developed and operated exclusively for one or more of the following purposes: charitable, religious, educational, scientific, literary, testing for public safety, fostering amateur sports competition (under certain restrictions), or the prevention of cruelty to children or animals. The organization must be a corporation, community chest fund or foundation. A sole proprietorship or partnership will not qualify.

Other organizations that may qualify include: civic leagues, social welfare organizations, labor, agriculture and horticultural organizations, business leagues, social and recreation clubs, fraternal beneficiary societies, etc.

For a free IRS booklet on this subject, call (800) 829-3676 and request publication 557.

To register a Non-Profit Corporation, contact the Arizona Corporation Commission, 1300 West Washington Street, Phoenix, Arizona 85007, (602) 542-3135; or 400 West Congress Street, Suite 221, Tucson, Arizona 85701, (520) 628-6560 or statewide toll free (800) 345-5819.

GENERAL FILING INSTRUCTIONS
FOR
ARIZONA CORPORATIONS

ALL CORPORATIONS, DOMESTIC AND FOREIGN, MUST COMPLY WITH THE FOLLOWING AT THE TIME YOUR DOCUMENTS ARE DELIVERED FOR FILING.

1. **Make sure that the corporate name you are using has been checked with the Commission and is available for use by your corporation.** (Telephone approval is advisory only, but the name may be formally reserved for 120 days for a fee of $10.00. A foreign corporation may register its name for the same fee.) If you are a holder of a tradename that is identical or non-distinguishable from the proposed name, you will be asked to provide a copy of the tradename certificate or "received" copy of the tradename application. Call our office for details at: (602) 542-3135 in Phoenix or (520) 628-6560 in Tucson.

2. Deliver the original and **one (1) or more exact copies** of the Articles of Incorporation (for domestic corporations) OR Application for Authority (for foreign corporations) to the Commission. Your filed copy will be returned to you when all requirements have been satisfied. Notarization is not required.

3. Statutory Agent **must have a street address** (P.O. Box not accepted), and must be an Arizona resident, a domestic corporation or limited liability company, or foreign corporation or limited liability company authorized to transact business in Arizona.

4. The Certificate of Disclosure **must be signed** and dated within 30 days of delivery to this office by all incorporators of a new corporation, or by any duly authorized officer if a foreign corporation.

5. If the person executing the documents has a power of attorney authorizing him/her to do so, a copy of the **document granting authority must be received**.

6. **Pay the required (U.S.) fees.** Please make check payable to the Arizona Corporation Commission. Expedited service is available for an additional $35.00 fee.

	Regular	Expedited
Arizona Business -	$60.00	$95.00
Foreign Business -	$175.00	$210.00
Arizona Non-Profit -	$40.00	$75.00
Foreign Non-Profit -	$175.00	$210.00

7. Advise the Commission in writing of the **fiscal year end date** adopted by the corporation.

8. AFTER FILING THE ARTICLES OR APPLICATION, THEY MUST BE PUBLISHED. Within sixty (60) days after filing with the Commission, there must be published in a newspaper of general circulation in the county of the known place of business in Arizona, three (3) consecutive publications of a copy of your APPROVED Articles of Incorporation or Application for Authority. Within ninety (90) days after filing, an Affidavit evidencing the publication must be filed with the Commission.

FOREIGN CORPORATIONS PLEASE NOTE: Pursuant to Article XIV, 8. of the Arizona Constitution and A.R.S. 10-1503.B, all Applications For Authority must be accompanied by a certified copy of your CURRENT articles of incorporation (including all amendments) and a Certificate of Existence (Good Standing), both to be authenticated by the Secretary of State or other official having legal custody of the corporate records in your state, province or country under the laws of which you are incorporated.

ALL CORPORATE DOCUMENTS FILED WITH THE ARIZONA CORPORATION COMMISSION, INCLUDING THE ANNUAL STATEMENT OF FINANCIAL CONDITION, ARE PUBLIC RECORD. AS SUCH, ALL CORPORATE FILES ARE OPEN FOR PUBLIC INSPECTION.

CF0033
REV 2/98

DOMESTIC PROFIT OR NONPROFIT CORPORATION
FILING CHECKLIST

Corporation Name

- Check name for availability - 542-3230
- Attach copy of Trade name Certificate, Assignment if applicable, or attach completed name attestation form.

Certificate of Disclosure

- Check Box A or B. If B, attach required information.
- Check part C, Yes or No. If yes, attach required information.
- Affix signature(s) of all incorporators. Signatures must be dated within 30 days of delivery to the Commission.

Articles of Incorporation

- Indicate the proposed name of the corporation.
- Indicate initial business / affairs.
- Indicate number of shares of stock corporation will be authorized to issue, series, class and preference, if any (*profit only*).
- Indicate the street address of the known place of business in Arizona. May be in care of the address of the statutory agent (*if agent, cannot be a P.O. Box.*)
- Indicate the name and address of the statutory agent (*cannot be a P.O. Box.*)
- Indicate the applicable tax exemption code. (*Nonprofit only, optional*).
- Indicate the name(s) and address(es) of the initial board of directors. Minimum of one.
- Indicate the name(s) and address(es) of the incorporators (*minimum of one*).
- Indicate whether the corporation will or will not have members (*nonprofit*).
- Affix signatures of all incorporators.
- Affix signature of statutory agent (*acknowledge acceptance*).

Fees

- Attach check for filing fee. $60.00 (*profit*) $40.00 (*nonprofit*). Additional $35.00 for expedited services. Made Payable to the Arizona Corporation Commission.
- Execute check.

Publication

- You must publish a copy of your Articles of Incorporation in a newspaper of general circulation in the county of the known place of business in Arizona, for three (3) consecutive publications. Do not publish until documents have been approved.
- File Affidavit of Publication with the ACC.

ARIZONA CORPORATION COMMISSION
CORPORATIONS DIVISION

Phoenix Address: 1300 West Washington
Phoenix, Arizona 85007-2929

Tucson Address: 400 West Congress
Tucson, Arizona 85701-1347

PROFIT
CERTIFICATE OF DISCLOSURE
A.R.S. §10-202.D

____
EXACT CORPORATE NAME

A. Has any person serving either by election or appointment as officer, director, trustee, incorporator and persons controlling or holding over 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation:

1. Been convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
2. Been convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses, or restraint of trade or monopoly in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
3. Been or are subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate wherein such injunction, judgment, decree or permanent order:
   (a) Involved the violation of fraud or registration provisions of the securities laws of that jurisdiction?; or
   (b) Involved the violation of the consumer fraud laws of that jurisdiction?; or
   (c) Involved the violation of the antitrust or restraint of trade laws of that jurisdiction?

Yes______ No______

B. IF YES, the following information MUST be attached:

1. Full name, prior name(s) and aliases, if used.
2. Full birth name.
3. Present home address.
4. Prior addresses (for immediate preceding 7-year period).
5. Date and location of birth.
6. Social Security number.
7. The nature and description of each conviction or judicial action, date and location, the court and public agency involved and file or cause number of case.

C. Has any person serving as an officer, director, trustee or incorporator of the corporation served in any such capacity or held or controlled over 20% of the issued and outstanding common shares, or 20% of any other proprietary, beneficial or membership interest in any corporation which has been placed in bankruptcy, receivership or had its charter revoked, or administratively or judicially dissolved by any state or jurisdiction?

Yes______ No______

IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES", YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

1. Name and address of the corporation.
2. Full name (including aliases) and address of each person involved.
3. State(s) in which the corporation:
   (a) Was incorporated. (b) Has transacted business.
4. Dates of corporate operation.
5. Date and case number of Bankruptcy or date of revocation/administrative dissolution.

D. The fiscal year end adopted by the corporation is ________________.

Under penalties of law, the undersigned incorporator(s)/officer(s) declare(s) that I(we) have examined this Certificate, including any attachments, and to the best of my(our) knowledge and belief it is true, correct and complete, and hereby declare as indicated above. THE SIGNATURE(S) MUST BE DATED WITHIN THIRTY (30) DAYS OF THE DELIVERY DATE.

BY______________________________ BY______________________________

PRINT NAME________________________ PRINT NAME________________________

TITLE ______________ DATE __________ TITLE ______________ DATE __________

DOMESTIC CORPORATIONS: ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE. If within sixty days, any person becomes an officer, director, trustee or person controlling or holding over 10% of the issued and outstanding shares or 10% of any other proprietary, beneficial, or membership interest in the corporation and the person was not included in this disclosure, the corporation must file an AMENDED certificate signed by at least one duly authorized officer of the corporation.

FOREIGN CORPORATIONS: MUST BE SIGNED BY AT LEAST ONE DULY AUTHORIZED OFFICER OF THE CORPORATION.
CF: 0022 - Business Corporations
Rev: 2/98

DO NOT PUBLISH THIS SECTION

ARTICLES OF INCORPORATION

OF

____

(An Arizona Business Corporation)

ARTICLE I
The corporate name must contain a corporate ending which may be "corporation," "association," "company," "limited," "incorporated" or an abbreviation of any of these words. If you are the holder or assignee of a tradename or trademark, attach Declaration of Tradename Holder form.

1. Name. The name of the Corporation is ______________________________

____

2. Purpose.

The purpose for which this Corporation is organized is the transaction of any or all lawful business for which corporations may be incorporated under the laws of Arizona, as they may be amended from time to time.

ARTICLE 3
The name cannot imply that the corporation is organized for any purpose other than the initial business indicated in this article.

3. Initial Business.

The Corporation initially intends to conduct the business of ______________________________

____

______________________________.

ARTICLE 4
The total number of authorized shares cannot be "Zero" or "Not Applicable."

4. Authorized Capital.

The Corporation shall have authority to issue ____________ shares of Common Stock.

ARTICLE 5
May be in care of the statutory agent.

5. Known Place of Business. (In Arizona)

The street address of the known place of business of the Corporation is:

____

____

______________________________.

ARTICLE 6
The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona. The agent must sign the Articles or provide a consent to acceptance of appointment.

6. Statutory Agent. (In Arizona)

The name and address of the statutory agent of the Corporation is:

____

____

______________________________.

DO NOT PUBLISH THIS SECTION

A minimum of 1 director is required.

7. Board of Directors

The initial board of directors shall consist of ______ director(s). The name(s) and address(es) of the person(s) who is(are) to serve as the director(s) until the first annual meeting of shareholders or until his(her)(their) successor(s) is(are) elected and qualifies is(are):

Name: ______________________ ______________________
Address: ______________________ ______________________
City, State, Zip: ______________________ ______________________
Name: ______________________ ______________________
Address: ______________________ ______________________
City, State, Zip: ______________________ ______________________

The number of persons to serve on the board of directors thereafter shall be fixed by the Bylaws.

8. Incorporators.

The name(s) and address(es) of the incorporator(s) is (are):

Name: ______________________ ______________________
Address: ______________________ ______________________
City, State, Zip: ______________________ ______________________

ARTICLE 8
A minimum of 1 incorporator is required. All incorporators must sign both the Articles of Incorporation and the Certificate of Disclosure.

All powers, duties and responsibilities of the incorporators shall cease at the time of delivery of these Articles of Incorporation to the Arizona Corporation Commission.

9. Indemnification of Officers, Directors, Employees and Agents.

The Corporation shall indemnify any person who incurs expenses or liabilities by reason of the fact he or she is or was an officer, director, employee or agent of the Corporation or is or was serving at the request of the Corporation as a director, officer, employee or agent of another Corporation, partnership, joint venture, trust or other enterprise. This indemnification shall be mandatory in all circumstances in which indemnification is permitted by law.

10. Limitation of Liability.

To the fullest extent permitted by the Arizona Revised Statutes, as the same exists or may hereafter be amended, a director of the Corporation shall not be liable to the Corporation or its stockholders for monetary damages for any action taken or any failure to take any action as a director. No repeal, amendment or modification of this article, whether direct or indirect, shall eliminate or reduce its effect with respect to any act or omission of a director of the Corporation occurring prior to such repeal, amendment or modification.

DO NOT PUBLISH THIS SECTION

EXECUTED this _____ day of ________________, 19____ by all of the incorporators.

Phone and fax numbers are optional

Signed: ________________________ ______________________________

________________________ ______________________________

[Print Name Here] [Print Name Here]

PHONE ________________ FAX ________________

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check.

Acceptance of Appointment By Statutory Agent

The undersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named corporation effective this _____ day of ________________, 19_____.

Signed ______________________________________

____

[Print Name Here]

The Articles must be accompanied by a Certificate of Disclosure, executed within 30 days of delivery to the Commission, by all incorporators.

ARIZONA CORPORATION COMMISSION
CORPORATIONS DIVISION

Phoenix Address: 1300 West Washington
Phoenix, Arizona 85007-2929

Tucson Address: 400 West Congress
Tucson, Arizona 85701-1347

NONPROFIT
CERTIFICATE OF DISCLOSURE
A.R.S. Section 10-3202.D.

____
EXACT CORPORATE NAME

A. Has any person serving either by election or appointment as officer, director, trustee, or incorporator in the corporation:

1. Been convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
2. Been convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses, or restraint of trade or monopoly in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
3. Been or are subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate wherein such injunction, judgment, decree or permanent order:
   (a) Involved the violation of fraud or registration provisions of the securities laws of that jurisdiction?; or
   (b) Involved the violation of the consumer fraud laws of that jurisdiction?; or
   (c) Involved the violation of the antitrust or restraint of trade laws of that jurisdiction?

Yes_____ No_____

B. IF YES, the following information MUST be attached:

1. Full name and prior name(s) used.
2. Full birth name.
3. Present home address.
4. Prior addresses (for immediate preceding 7-year period).
5. Date and location of birth.
6. Social Security number.
7. The nature and description of each conviction or judicial action, date and location, the court and public agency involved and file or cause number of case.

C. Has any person serving either by election or appointment as an officer, director, trustee or incorporator of the corporation, served in any such capacity or held such interest in any corporation which has been placed in bankruptcy or receivership or had its charter revoked, or administratively dissolved by any jurisdiction?

Yes_____ No_____

IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES", YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

1. Name and address of the corporation.
2. Full name, including alias and address of each person involved.
3. State(s) in which the corporation:
   (a) Was incorporated.
   (b) Has transacted business.
4. Dates of corporate operation.
5. A description of the bankruptcy, receivership or charter revocation, including the date, court or agency and the file or cause number of the case.

D. The fiscal year end adopted by the corporation is ________________.

Under penalties of law, the undersigned incorporators/officers declare that we have examined this Certificate, including any attachments, and to the best of our knowledge and belief it is true, correct and complete, and hereby declare as indicated above. THE SIGNATURE(S) MUST BE DATED WITHIN THIRTY (30) DAYS OF THE DELIVERY DATE.

BY______________________ DATE__________ BY______________________ DATE__________
TITLE______________________ TITLE______________________

BY______________________ DATE__________ BY______________________ DATE__________
TITLE______________________ TITLE______________________

DOMESTIC CORPORATIONS: ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE. (If more than four Incorporators, please attach remaining signatures on a separate sheet of paper.)

If within sixty days, any person becomes an officer, director, or trustee and the person was not included in this disclosure, the corporation must file an AMENDED certificate signed by all incorporators, or if officers have been elected, by a duly authorized officer.

FOREIGN CORPORATIONS: Must be executed by any two executive officers or directors.

CF: 0001 - Non-Profit
Rev: 1/99

PHOENIX OFFICE
1300 West Washington
Phoenix, Arizona 85007-2929
Phone: (602) 542-3135
Toll Free: 1-800-345-5819
(AZ Residents Only)

ARIZONA CORPORATION COMMISSION

TUCSON OFFICE
400 West Congress
Tucson, Arizona 85701-1347
Phone: (602) 628-6560
Toll Free: 1-800-345-5819
(AZ Residents Only)

INSTRUCTIONS
FOR
NONPROFIT ARTICLES OF INCORPORATION

THESE SAMPLE SETS OF NONPROFIT ARTICLES OF INCORPORATION HAVE BEEN PREPARED IN AN EFFORT TO OFFER GUIDANCE IN THE PREPARATION OF YOUR ARTICLES OF INCORPORATION. ONE SET IS INTENDED FOR CORPORATIONS THAT PROPOSE TAX EXEMPT STATUS, AND THE OTHER FOR CORPORATIONS THAT WILL BE SUBJECT TO TAXATION. PLEASE BE ADVISED, HOWEVER, THAT THESE SAMPLES REFLECT ONLY THE MINIMUM PROVISIONS REQUIRED BY LAW. YOU SHOULD SEEK PRIVATE LEGAL COUNSEL FOR THOSE MATTERS WHICH PERTAIN TO THE INDIVIDUAL NEEDS OF YOUR CORPORATION.

PLEASE be sure to include zip codes where addresses are required.

CHARACTER OF AFFAIRS - State briefly the character of affairs which the corporation initially intends to actually conduct in this state. Such statement shall not limit the character of affairs which the corporation ultimately conducts. See Arizona Revised Statute 10-3202.

ARTICLE 2 (TAX EXEMPT) - The Internal Revenue Code places certain restrictions upon the purpose of a tax exempt non profit corporation. Please refer to Federal Publication #557, which is available at your local IRS office, before completing this article.

ARTICLE 4 (TAX EXEMPT) - This article is included for the purpose of obtaining tax-exempt status with the Internal Revenue Service. If the corporation intends to apply for tax-exempt status under Federal Law, you will need to cite the specific Section of the Internal Revenue Code, as amended, under which your corporation plans to organize. For further information please refer to Federal Publication #557 which is available at your local IRS office.

ARTICLE 5 (TAX EXEMPT) - Insert applicable Section number of the IRS Code. (See instruction for Article 4.)

ARTICLE 11 (TAX EXEMPT) - Check the box for this Article only if, depending upon the proposed purpose of your corporation, a non discrimination provision is required. Please refer to Federal Publication #557, before making a determination.

INDEMNIFICATION - This provision is not mandatory. Please refer to Arizona Revised Statutes 10-3851.

STATUTORY AGENT - Be sure to include the street address of your statutory agent. P.O. Box will not be accepted.

* * SPECIAL NOTES * *

If you are intending to incorporate as a 501(c) (3) organization, your Articles of Incorporation must satisfy the requirements of the Organizational Test as provided in the INTERNAL REVENUE SERVICE Publication 557. For information regarding Tax Exempt Status, for any proposed nonprofit organization, please contact the I.R.S. office in your community.

You may include any other provision not inconsistent with law which the incorporators elect to set forth. (Arizona Revised Statute 10-3202.B.3)

It is not necessary to state in your articles of incorporation any of the corporate powers already enumerated in the Nonprofit Code. (Arizona Revised Statute 10-3202.C.3.)

PLEASE MAKE SURE YOUR ARTICLES ARE PROPERLY SIGNED AND DATED.

Corporations Division
Arizona Corporation Commission
1300 W. Washington
Phoenix, AZ 85007

(or)

400 W. Congress
Tucson, AZ 85701

Re: NONPROFIT ARTICLES OF INCORPORATION

To: Corporate Filings

Enclosed please find our Certificate of Disclosure, a check for forty dollars ($40), and an original plus two (2) copies of our Articles of Incorporation.

Please be advised that we of (Name of Corporation) have selected the date of ____________________ to be our Fiscal Date. We understand that an Annual Report will be due in the fourth month following the close of our fiscal year, and that the Corporation Commission will mail our corporation an Annual Report that must be fully completed and returned to the Commission with the appropriate fees once each year. We also understand that failure to return a complete and accurate Annual Report may result in our corporation's administrative dissolution.

The corporate address shall be:

We shall immediately notify the Corporation Commission, in writing, of any change to this address.

Please return the filed copies to:

Sincerely,

Sample

BEST COPY AVAILABLE

ARTICLES OF INCORPORATION
OF A TAX-EXEMPT

____

(Arizona Non-Profit Corporation)

1. Name: The Name of the Corporation is ______________________________

____

2. Purpose: The purpose for which the corporation is organized is: ______________

____

3. Character of Affairs: The character of affairs of the corporation will be: __________

____

____

4. No part of the net earning of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article 2. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements,) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal Income Tax under Section ______ of the Internal Revenue Code of ______ (or the corresponding provision of any future United States Internal Revenue Law) or: (b) by a corporation, contributions to which are deductible under Section _____ of the Internal Revenue Code of _______ (or the corresponding provisions of any future United States Internal Revenue Laws).

5. Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all its assets exclusively for the purposes of the corporation in such a manner, or to such organizations organized and operated exclusively for charitable, educational, religious or scientific purpose as shall at the time qualify as an exempt organization or organizations under Section ____ of the Internal Revenue Code of _____ (or the corresponding provision of any future United States Internal Revenue Laws) as the Board of Directors shall determine. Any such assets not disposed of shall be disposed of by the Superior Court of the county in which the principle office of the corporation is then located, exclusively for such purpose or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purpose.

6. The power of indemnification under the Arizona Revised Statutes shall not be denied or limited by the bylaws.

DO NOT PUBLISH THIS SECTION

ARTICLE 1
If you are the holder or assignee of a tradename or trademark, attach Declaration of Tradename Holder form.

ARTICLES 2
The Internal Revenue Code places certain restrictions upon the purpose of a tax exempt non profit corporation. Please refer to Federal Publication #557, available at your local IRS office, before completing this articles.

ARTICLE 3
The name cannot imply that the corporation is organized for any character of affairs other than the initial business indicated in this article.

ARTICLE 4
This Articles is included for the purpose of obtaining tax-exempt status with the IRS and to comply with A.R.S. §10-2326. If the corporation intends to apply for tax-exempt status, you will need to cite the specific Section of the IRS code, as amended, under which the corporation plans to organize. For further information please refer to publication #557.

ARTICLE 5
Insert applicable Section number of the IRS Code. See Article 5.

ARTICLE 6
This provision is not mandatory. See A.R.S. §10-3302.14.

DO NOT PUBLISH THIS SECTION

ARTICLE 7
A minimum of 1 director is required.

7. Board of Directors The initial board of directors shall consist of ______ director(s). The name(s) and address(es) of the person(s) who is(are) to serve as the director(s) until the first annual meeting of the members, if a member corporation, or Board of Directors, if the corporation has no members, or until his(her)(their) successor(s) is(are) elected and qualifies is(are):

Name:	____________________	____________________
Address:	____________________	____________________
City, State, Zip:	____________________	____________________
Name:	____________________	____________________
Address:	____________________	____________________
City, State, Zip:	____________________	____________________

The number of persons to serve on the board of directors thereafter shall be fixed by the Bylaws.

ARTICLE 8
May be in care of the statutory agent.

8. Known Place of Business. (In Arizona) The street address of the known place of business of the Corporation is:

____

____

ARTICLE 9
The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona. The agent must sign the Articles or provide a consent to acceptance of appointment.

9. Statutory Agent. (In Arizona) The name and address of the statutory agent of the Corporation is:

____

____

____

10. Incorporators. The name(s) and address(es) of the incorporator(s) is (are):

Name:	____________________	____________________
Address:	____________________	____________________
City, State, Zip:	____________________	____________________

All powers, duties and responsibilities of the incorporators shall cease at the time of delivery of these Articles of Incorporation to the Arizona Corporation Commission.

ARTICLE 10
A minimum of 1 incorporator is required. All incorporators must sign both the Articles of Incorporation and the Certificate of Disclosure.

11. ☐ (check this box, if this provision will apply to your corporation.)
DISCRIMINATION: The corporation will not practice or permit discrimination on the basis of sex, age, race, national origin, religion, or physical handicap or disability.

DO NOT PUBLISH THIS SECTION

ARTICLE 12
The Articles must indicate if the corporation will, or will not have members.

12. MEMBERS (Check One)
The corporation ______will _______ will not have members.

EXECUTED this _____ day of ________________, 19____ by all of the incorporators.

Signed:__________________________ __________________________

__________________________ __________________________
[Print Name Here] [Print Name Here]

Phone and fax numbers are optional

PHONE ______________________ FAX ______________________

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check

Acceptance of Appointment By Statutory Agent

The undersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named corporation effective this _____ day of ____________________, 19_____.

Signed ______________________________________

____
[Print Name Here]

The Articles must be accompanied by a Certificate of Disclosure, executed within 30 days of delivery to the Commission, by all incorporators.

CF:0041 - For TAX-EXEMPT Non Profit Corporations
Rev: 1/99a

PHOENIX OFFICE
1300 West Washington
Phoenix, Arizona 85007-2929
Phone: (602) 542-3135
Toll Free: 1-800-345-5819
(AZ Residents Only)

ARIZONA CORPORATION COMMISSION

TUCSON OFFICE
400 West Congress
Tucson, Arizona 85701-1347
Phone: (602) 628-6560
Toll Free: 1-800-345-5819
(AZ Residents Only)

INSTRUCTIONS
FOR
NONPROFIT ARTICLES OF INCORPORATION

THESE SAMPLE SETS OF NONPROFIT ARTICLES OF INCORPORATION HAVE BEEN PREPARED IN AN EFFORT TO OFFER GUIDANCE IN THE PREPARATION OF YOUR ARTICLES OF INCORPORATION. ONE SET IS INTENDED FOR CORPORATIONS THAT PROPOSE TAX EXEMPT STATUS, AND THE OTHER FOR CORPORATIONS THAT WILL BE SUBJECT TO TAXATION. PLEASE BE ADVISED, HOWEVER, THAT THESE SAMPLES REFLECT ONLY THE MINIMUM PROVISIONS REQUIRED BY LAW. YOU SHOULD SEEK PRIVATE LEGAL COUNSEL FOR THOSE MATTERS WHICH PERTAIN TO THE INDIVIDUAL NEEDS OF YOUR CORPORATION.

PLEASE be sure to include zip codes where addresses are required.

CHARACTER OF AFFAIRS - State briefly the character of affairs which the corporation initially intends to actually conduct in this state. Such statement shall not limit the character of affairs which the corporation ultimately conducts. See Arizona Revised Statute 10-3202.

ARTICLE 2 (TAX EXEMPT) - The Internal Revenue Code places certain restrictions upon the purpose of a tax exempt non profit corporation. Please refer to Federal Publication #557, which is available at your local IRS office, before completing this article.

ARTICLE 4 (TAX EXEMPT) - This article is included for the purpose of obtaining tax-exempt status with the Internal Revenue Service. If the corporation intends to apply for tax-exempt status under Federal Law, you will need to cite the specific Section of the Internal Revenue Code, as amended, under which your corporation plans to organize. For further information please refer to Federal Publication #557 which is available at your local IRS office.

ARTICLE 5 (TAX EXEMPT) - Insert applicable Section number of the IRS Code. (See instruction for Article 4.)

ARTICLE 11 (TAX EXEMPT) - Check the box for this Article only if, depending upon the proposed purpose of your corporation, a non discrimination provision is required. Please refer to Federal Publication #557, before making a determination.

INDEMNIFICATION - This provision is not mandatory. Please refer to Arizona Revised Statutes 10-3851.

STATUTORY AGENT - Be sure to include the street address of your statutory agent. P.O. Box will not be accepted.

* * SPECIAL NOTES * *

If you are intending to incorporate as a 501(c) (3) organization, your Articles of Incorporation must satisfy the requirements of the Organizational Test as provided in the INTERNAL REVENUE SERVICE Publication 557. For information regarding Tax Exempt Status, for any proposed nonprofit organization, please contact the I.R.S. office in your community.

You may include any other provision not inconsistent with law which the incorporators elect to set forth. (Arizona Revised Statute 10-3202.B.3)

It is not necessary to state in your articles of incorporation any of the corporate powers already enumerated in the Nonprofit Code. (Arizona Revised Statute 10-3202.C.3.)

PLEASE MAKE SURE YOUR ARTICLES ARE PROPERLY SIGNED AND DATED.

Corporations Division
Arizona Corporation Commission
1300 W. Washington
Phoenix, AZ 85007

(or)

400 W. Congress
Tucson, AZ 85701

Re: NONPROFIT ARTICLES OF INCORPORATION

To: Corporate Filings

Enclosed please find our Certificate of Disclosure, a check for forty dollars ($40), and an original plus two (2) copies of our Articles of Incorporation.

Please be advised that we of (Name of Corporation) have selected the date of ____________________ to be our Fiscal Date. We understand that an Annual Report will be due in the fourth month following the close of our fiscal year, and that the Corporation Commission will mail our corporation an Annual Report that must be fully completed and returned to the Commission with the appropriate fees once each year. We also understand that failure to return a complete and accurate Annual Report may result in our corporation's administrative dissolution.

The corporate address shall be:

We shall immediately notify the Corporation Commission, in writing, of any change to this address.

Please return the filed copies to:

Sincerely,

Sample

BEST COPY AVAILABLE

DO NOT PUBLISH THIS SECTION

ARTICLES OF INCORPORATION
OF A NON-TAX-EXEMPT

____

(Arizona Non-Profit Corporation)

ARTICLE 1
If you are the holder or assignee of a tradename or trademark, attach Declaration of Tradename Holder form.

1. Name: The Name of the Corporation is ____

____

ARTICLE 3
The name cannot imply that the corporation is organized for any character of affairs other than the initial business indicated in this article.

2. Purpose: The purpose for which the corporation is organized to engage in any or all lawful activities for which nonprofit corporations may be incorporated under the laws of Arizona, as they may be amended from time to time.

3. Character of Affairs: The character of affairs of the corporation will be: __________

____

____

ARTICLE 4
A minimum of 1 director is required.

4. Board of Directors The initial board of directors shall consist of ______ director(s). The name(s) and address(es) of the person(s) who is(are) to serve as the director(s) until the first annual meeting of the members, if a member corporation, or Board of Directors, if the corporation has no members, or until his(her)(their) successor(s) is(are) elected and qualifies is(are):

Name: ____________________ ____________________

Address: ____________________ ____________________

City, State, Zip: ____________________ ____________________

Name: ____________________ ____________________

Address: ____________________ ____________________

City, State, Zip: ____________________ ____________________

The number of persons to serve on the board of directors thereafter shall be fixed by the Bylaws.

ARTICLE 5
This provision is not mandatory. See A.R.S. §10-3302.14.

5. Indemnification: The power of indemnification under the Arizona Revised Statutes shall not be denied or limited by the bylaws.

ARTICLE 6
May be in care of the statutory agent.

6. Known Place of Business. (In Arizona) The street address of the known place of business of the Corporation is:

____

____

DO NOT PUBLISH THIS SECTION

ARTICLE 7
The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona. The agent must sign the Articles or provide a consent to acceptance of appointment.

ARTICLE 8

Name:

Address:

City, State, Zip:

A minimum of 1 incorporator is required. All incorporators must sign both the Articles of Incorporation and the Certificate of Disclosure.

ARTICLE 9
The Articles must indicate if the corporation will, or will not have members.

The Articles must be accompanied by a Certificate of Disclosure, executed within 30 days of delivery to the Commission, by all incorporators.

Phone and fax numbers are optional

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check

CF:0041 - For NON TAX-EXEMPT Non Profit Corporations
Rev: 1/99a

7. Statutory Agent. (In Arizona) The name and address of the statutory agent of the Corporation is:

____

____

____.

8. Incorporators. The name(s) and address(es) of the incorporator(s) is (are):

______________________ ______________________

______________________ ______________________

______________________ ______________________

All powers, duties and responsibilities of the incorporators shall cease at the time of delivery of these Articles of Incorporation to the Arizona Corporation Commission.

9. MEMBERS (Check One)
The corporation ______will _______ will not have members.

EXECUTED this _____ day of _______________, 19____ by all of the incorporators.

Signed:______________________ ______________________

______________________ ______________________

[Print Name Here] [Print Name Here]

PHONE ______________________ FAX ______________________

Acceptance of Appointment By Statutory Agent

The undersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named corporation effective this _____ day of ________________, 19_____.

Signed ______________________________

____

[Print Name Here]

APPLICATION FOR AUTHORITY
TO TRANSACT BUSINESS
IN ARIZONA

DO NOT PUBLISH THIS SECTION

1. The corporate name must contain a corporate ending which may be "corporation," "association," "company," "limited," "incorporated" or an abbreviation of any of these words. If you are the holder or assignee of a tradename or trademark, attach Declaration of Tradename Holder form. If your name is not available for use in Arizona, you must adopt a fictitious name and provide a resolution adopting the name, which must be executed by the corporation Secretary.

3. You must provide the total duration in years for which your corporation was formed to endure. If perpetual succession, so indicate in this section. Do not leave blank, or state not applicable.

5. The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona. Include City, State and Zip code

The name of the corporation is: ______________________________.

A(n) ______________________________Corporation
(State, Province or Country)

____ We are a foreign corporation applying for authority to transact business in the state of Arizona.

____ We are a foreign corporation currently authorized to transact business in Arizona and must now file this Application for New Authority pursuant to A.R.S. § 10-1504 because we have changed the following in our domicile jurisdiction:

☐ Our actual corporate name (or the name under which we originally obtained authority in Arizona).
☐ The period of our duration.
☐ The state, province or country of our incorporation.

1. The exact name of the foreign corporation is:

______________________________.

If the exact name of the foreign corporation is not available for use in this state, then the fictitious name adopted for use by the corporation in Arizona is:

______________________________(FN).

2. The name of the state, province or country in which the foreign corporation is incorporated is:

______________________________.

3. The foreign corporation was incorporated on the ____ day of

______________, 19____ and the period of its duration is:

______________________.

4. The street address of the principal office of the foreign corporation in the state, province or country of its incorporation is:

____

____

____

5. The name and street address of the statutory agent for the foreign corporation in Arizona is:

____

____

____

BEST COPY AVAILABLE

DO NOT PUBLISH THIS SECTION

5.a. The street address of the known place of business of the foreign corporation in Arizona IF DIFFERENT from the street address of the statutory agent is:

____

____

________________________ ________________ ____________

5.b. Indicate to which address the Annual Report should be mailed.

5.b. The Annual Report and general correspondence should be mailed to the address specified above in section 4_____ or 5a_______.

6. If the purpose of your corporation has any limitations with regard to this section, so indicate. If not, state no limitations.

6. The purpose of the corporation is to engage in any and all lawful business in which corporations may engage in the state, province or country under whose law the foreign corporation is incorporated, with the following limitations if any:

____

____

7. The names and usual business addresses of the current directors and officers of the foreign corporation are: (Attach additional sheets if necessary.)

Name: ________________________, ______________[title]
Address: ____
City, State, Zip: ____

Name: ________________________, ______________[title]
Address: ____
City, State, Zip: ____

Name: ________________________, ______________[title]
Address: ____
City, State, Zip: ____

8. The total number of authorized shares cannot be "zero" or "N/A". Include authorized, not issued shares in this section.

8. The foreign corporation is authorized to issue ______________ shares, itemized as follows: (Attach additional sheets if necessary.)

______________ shares of ________________[class or series] stock at
__________ no par value or par value of $__________ per share.

______________ shares of ________________[class or series] stock at
__________ no par value or par value of $__________ per share.

______________ shares of ________________[class or series] stock at
__________ no par value or par value of $__________ per share.

DO NOT PUBLISH THIS SECTION

9. The total number of issued shares cannot be "N/A".

The Application must be accompanied by the following: A Certificate of Disclosure, executed within 30 days of delivery to the Commission, by a duly authorized officer

Attach a certified copy of your articles of incorporation, all amendments and mergers (AZ Const. Art. XIV, §8) and a certificate of existence or document of similar import duly authenticated (within 60 days) by the official having custody of corporate records in the state, province or country under whose laws we are incorporated.

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check.

CF:0024
Rev. 4/98

9. The foreign corporation has issued ______________ shares, itemized as follows:

______________ shares of ____________________[class or series] stock at

____________ no par value or par value of $ ____________ per share.

______________ shares of ____________________[class or series] stock at

____________ no par value or par value of $ ____________ per share.

______________ shares of ____________________[class or series] stock at

____________ no par value or par value of $ ____________ per share.

10. The character of business the foreign corporation initially intends to conduct in Arizona is:

____

DATED this ______ day of ____________________, 19____.

____

[Name of Corporation]

Executed by ____

____

[print name] [title]

PHONE ____________________ FAX ______________

[optional] [optional]

ACCEPTANCE OF APPOINTMENT BY STATUTORY AGENT

The undersigned hereby acknowledges and accepts the appointment as statutory agent of this corporation effective this ________day of ____________________, 19____.

____

Signature

____

[Print Name]

GENERAL FILING INSTRUCTIONS
FOR
LIMITED LIABILITY COMPANIES

All Limited Liability Companies, either forming under Arizona Law, or applying for registration to transact business in Arizona as a Foreign Limited Liability company, must comply with the following at the time of filing.

1. Make sure that the name you are using has been checked with the Commission and is available for use by your company. (The name may be reserved for 120 days for a fee of $10.00.) If you are a holder of a tradename that is identical or non-distinguishable from the proposed name, you will be asked to provide a copy of the tradename certificate or "received" copy of the tradename application.

2. Deliver the original and one (1) or more copies of the Articles of Organization (for domestic companies) or Application for Registration (for foreign companies) to the Commission, copies of which will be returned when all requirements have been satisfied. Notarization is not required.

3. Statutory Agent must have a street address (P.O. Box not accepted), and must be an Arizona resident, or a domestic corporation or limited liability company, or a foreign corporation or limited liability company authorized to transact business in Arizona.

4. Pay the required (U.S.) filing fees. (Please make check payable to the Arizona Corporation Commission.) Expedited service is available for an additional $35.00 fee.

	Regular	Expedited
Arizona Limited Liability Company	$50.00	$85.00
Foreign Limited Liability Company	$150.00	$185.00

5. If the person executing the documents has a power of attorney authorizing him/her to do so, a copy of the document granting authority must be received.

DOMESTIC COMPANIES PLEASE NOTE: AFTER FILING THE ARTICLES, A NOTICE OF FILING MUST BE PUBLISHED. Within sixty (60) days after filing with the Commission, there must be published in a newspaper of general circulation IN THE COUNTY OF THE KNOWN PLACE OF BUSINESS IN ARIZONA, three (3) consecutive publications giving notice of the information required as suggested in the attached NOTICE FOR PUBLICATION. Within ninety (90) days after filing, an Affidavit evidencing the publication must be filed with the Commission.

ALL CORPORATE DOCUMENTS FILED WITH THE ARIZONA CORPORATION COMMISSION ARE PUBLIC RECORD. AS SUCH, ALL LIMITED LIABILITY COMPANY FILES, WITHOUT EXCEPTION, ARE OPEN FOR PUBLIC INSPECTION.

LL:0008
Rev: 2/98

DOMESTIC LIMITED LIABILITY COMPANY
FILING CHECKLIST

Company Name

- Check name for availability - 542-3230.
- Attach copy of Trade name Certificate, Assignment if applicable, or attach completed name attestation form.

Articles of Organization

- Indicate the proposed name of the company.
- Indicate the street address of the registered office in Arizona. May be in care of the address of the statutory agent (*if agent, cannot be a P.O. Box.*)
- Indicate the name and address of the statutory agent (*cannot be a P.O. Box.*)
- Indicate the latest date on which the limited liability company must dissolve, if applicable.
- Indicate if management is reserved to the members or vested in a manager(s).
    - If reserved to the members, indicate the name(s) and address(es) of the members.
    - If vested in a manager, indicate the name(s) and address(es) of the manager(s) AND the member(s) who own 20% or greater interest in the capital or profits of the company.
- Affix a signature. The signature need not be by a member or manager.
- Affix signature of statutory agent (*acknowledge acceptance*).

Fees

- Attach check for filing fee. $50.00. Additional $35.00 for expedited services. Made Payable to the Arizona Corporation Commission.
- Execute check.

Publication

- You must publish a copy of your Articles of Organization in a newspaper of general circulation in the county of the known place of business in Arizona, for three (3) consecutive publications. Do not publish until documents have been approved.
- File Affidavit of Publication with the ACC.

FOREIGN LIMITED LIABILITY COMPANY FILING CHECKLIST

Company Name

- Check name for availability - 542-3230.
- Attach copy of Trade name Certificate, Assignment if applicable, or attach completed name attestation form.

Application for Registration

- Indicate the proposed name of the company
- Indicate the proposed name for use in Arizona if different than the company name.
- If the name of the company does not contain the words "Limited Liability Company" or an abbreviation thereof, indicate the words or abbreviation which you elect to add thereto for use in Arizona.
- Indicate the state, province or country in which the company is formed.
- Indicate the date of formation.
- Indicate the purpose of the company or the general character of business the company proposes to transact in Arizona.
- Indicate the name and address of the statutory agent (*cannot be a P.O. Box.*)
- Indicate the address of the office required to be maintained in the jurisdiction under the laws of which the company is organized, if required; or, if not required, then the address of the principal office of the company.
- Affix a signature. The signature need not be by a member or manager.
- Affix signature of statutory agent (*acknowledge acceptance*).

Fees

- Attach check for filing fee. $150.00. Additional $35.00 for expedited services. Made Payable to the Arizona Corporation Commission.
- Execute check.

DO NOT PUBLISH THIS SECTION

ARTICLE I
The company name must contain an ending which may be "limited liability company," "limited company," or the abbreviations "L.L.C.", "L.C.", "LLC" or "LC". If you are the holder or assignee of a tradename or trademark, attach Declaration of Tradename Holder form.

ARTICLE 2
May be in care of the statutory agent.

ARTICLE 3
The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona. The agent must sign the Articles or provide a consent to acceptance of appointment.

ARTICLES 4
Complete this section only if you desire to select a date or occurrence when the company will dissolve. If perpetual duration is desired, leave this section blank.

ARTICLE 5.a.
Check which management structure will be applicable to your company.

ARTICLES OF ORGANIZATION

OF

____

(An Arizona Limited Liability Company)

1. Name. The name of the limited liability company is:

____

2. Registered Office. The address of the registered office in Arizona is: ____________

____

____

located in the County of ________________________________

3. Statutory Agent. (In Arizona) The name and address of the statutory agent of the company is:

____

____

____

4. Dissolution. The latest date, if any, on which the limited liability company must dissolve is ________________________________

5.a. Management.

[ ] Management of the limited liability company is vested in a manager or managers. The names and addresses of each person who is a manager AND each member who owns a twenty percent or greater interest in the capital or profits of the limited liability company are:

[ ] Management of the limited liability company is reserved to the members. The names and addresses of each person who is a member are:

DO NOT PUBLISH THIS SECTION

5.b.

Name: ______________________ ______________________

☐ member ☐ manager ☐ member ☐ manager

Address: ______________________ ______________________

City, State, Zip: ______________________ ______________________

Name: ______________________ ______________________

☐ member ☐ manager ☐ member ☐ manager

Address: ______________________ ______________________

City, State, Zip: ______________________ ______________________

ARTICLE 5.b. Depending upon your selection in 5.a., provide the names and address of the managers and members of the organization. Check the applicable title for each person. A member managed company cannot contain a manager or managers.

EXECUTED this _____ day of ________________, 19____.

______________________ ______________________

[Signature] [Signature]

______________________ ______________________

[Print Name Here] [Print Name Here]

PHONE ______________________ FAX ______________________

The person(s) executing this document need not be member(s) of the company.

Your fax and phone number is optional.

Acceptance of Appointment By Statutory Agent

I ________________________________, having been designated to act as Statutory Agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.

____

Signature of Statutory Agent

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check.

LL04 Rev.7/98

APPLICATION FOR REGISTRATION
OF A
FOREIGN LIMITED LIABILITY COMPANY

1.a. The name of the limited liability company is:

____

1.b. If the name of the company is different than the proposed name for use in Arizona, then the name under which the company proposes to transact business in Arizona:

____

1.c. If the name of the company does not contain the words "Limited Liability Company," "Limited Company," "L.L.C." or "L.C.," then the name of the company with the words or abbreviation which it elects to add thereto for use in Arizona is:

____

2. The company is organized under the laws of: ____________________

3. The date of the company's formation is: ____________________

4. The purpose of the company or the general character of business it proposes to transact in Arizona is:

____

____

____

5. The name and street address of the statutory agent for the foreign corporation in Arizona is:

____

____

____

DO NOT PUBLISH THIS SECTION

1. The company name must contain an ending which may be "limited liability company," "limited company," or the abbreviations "L.L.C.", "L.C.", "LLC" or "LC". If you are the holder or assignee of a tradename or trademark, attach Declaration of Tradename Holder form. If you do not plan to use the name in Arizona, under which your company is organized, then provide the name which you plan to use.

2. Provide the name of the state or jurisdiction under whose laws your company was formed.

3. Provide the date on which your company organized in the state or jurisdiction under whose laws it was formed.

4. Provide the general character of business you plan to transact in Arizona.

5. The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona.

DO NOT PUBLISH THIS SECTION

6. If you do not appoint a statutory agent when you file the application, you must do so within sixty days of filing. Your failure to do so, may result in revocation of your Certificate of Registration.

7. If the jurisdiction under the law of which your company is formed, you must provide the address of the principle office of the company, in whatever state or jurisdiction it is located.

6. The Arizona Corporation Commission is appointed as the Statutory Agent for service of process if either of the following occur.

   A. An agent has not been appointed under paragraph 5, or if the agent's authority has been revoked.

   B. The agent cannot be found or serviced with the exercise of reasonable diligence.

7. The address of the office required to be maintained in the jurisdiction under the laws of which the company is organized, if required; or, if not required, the address of the principal office of the company is:

____

____

The application must be executed by a member, manager or duly authorized agent.

Executed this _______ day of ____________________, 19____.

____
[signature]

______________________________, ____________________
[print name] [title]

PHONE ____________________ FAX ____________________

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check.

ACCEPTANCE OF APPOINTMENT BY STATUTORY AGENT

I, ______________________________, having been designated to act as statutory agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.

____
[Signature]

ARIZONA CORPORATION COMMISSION

CREATING A CORPORATION OR LIMITED LIABILITY COMPANY QUESTION AND ANSWERS

QUESTION: HOW DO I FILE?

ANSWER: Visit the Commission's Corporation Division and select the proper forms to complete, fill them out, sign and turn them in with the appropriate monies. Another option is to contact legal counsel to prepare papers for you. It is suggested that you check with the name reservation desk, #542-3230, to see if the name you have chosen for the new entity is available. Corporate and limited liability company names can be reserved for 120 days for a fee of $10.

QUESTION: WHERE DO I FILE?

ANSWER: Turn in the completed documentation to the Corporations Division of the Arizona Corporation Commission:

PHOENIX OFFICE	TUCSON OFFICE
1300 W. Washington, 1st floor Phoenix, AZ 85007	400 W. Congress Street Tucson, AZ 85701
Hours are Monday - Friday, 8 a.m. - 5 p.m., except holidays.	

Additionally, the Corporations Division accepts fax filings. The fax number for corporate filings is 542-4100. Those who use this option must make arrangements for the payment of the necessary fees. Typically, fax filers have set-up Money on Deposit (MOD) accounts with the Commission or have a runner drop off a check.

QUESTION: HOW DO I DETERMINE WHICH TYPE OF FORMS TO USE?

ANSWER: Consult with legal counsel and financial consultants to determine which business entity is best for you. Commission staff cannot give legal or tax advice. The "Business Corporation Act" booklet is available from the Commission ($5.00). This book has information and recites statutes that pertain to Arizona Revised Statutes, Title 10, governing business corporations. Should you decide to create a corporation or limited liability company, you must then file with the Corporations Division of the Commission. Entities from Arizona need DOMESTIC forms. Entities based primarily out of Arizona who transact business in Arizona, need FOREIGN forms. Entities which are nonprofit in nature need NONPROFIT versions of the forms.

QUESTION: WHAT PROCESS SHOULD I USE TO MAKE SURE THAT THE DOCUMENTS ARE CORRECT THE FIRST TIME THEY ARE SUBMITTED?

ANSWER: We suggest that both legal counsel and those who are filling out the forms by themselves use the checklist that is part of this material. They should thoroughly read the directions and follow them as they complete the documents.

QUESTION: HOW MUCH DOES IT COST TO INCORPORATE?

ANSWER: The answer depends on what type of entity is being created and if extra services are required.

CHOOSE ONE:	
Articles of Incorporation (profit)	$60.00
Nonprofit Articles of Incorporation (nonprofit)	$40.00
Application for Authority (foreign, profit)	$175.00
Application for Authority to Conduct Affairs (foreign, nonprofit)	$175.00

Extras:	
Application for name reservation	$10.00
Expedited Service	$35.00
Other Available Services for Corporations:	
Amendment of Articles of Incorporation	$25.00
Restatement of Articles of Incorporation w/ Amendment of Articles	$25.00
Amendment of Articles	$25.00
Articles of Merger or Share Exchange	$100.00
Articles of Dissolution	$25.00
Application for Withdrawal	$25.00
Articles of Domestication	$100.00
Articles of Revocation of Dissolution	$25.00
Application for Reinstatement following Administrative Dissolution, Plus, Other Fees and Penalties Due From a Business Corporation	$100.00
Application for Reinstatement following Administrative Dissolution, Plus, Other Fees and Penalties Due From a Nonprofit Corporation	$25.00
Articles of Correction	$25.00
Application for Renewal of Registered Name	$10.00
Application for Use of Indistinguishable Name	$10.00
Agent's Statement of Resignation	$10.00
Service of Process	$25.00
Penalty for Foreign Corporations Which Fail to File with Commission, an Amendment, Restated Articles Which Include an Amendment, or Articles of Merger Within 60 Days of Filing Date in the Domicile State or Jurisdiction	$100.00
Certificate of Good Standing	$10.00
Certified Documents	$5.00 + $.50 per page
Statements of Certification	$10.00
Copies of Documents on File	$.50 per page

QUESTION: HOW MUCH DOES IT COST TO CREATE A LIMITED LIABILITY COMPANY?

ANSWER: The answer depends on what type of limited liability company is being created and if extra services are required.

CHOOSE ONE:	
Articles of Organization (Domestic)	$50.00
Application for Registration of (Foreign) Limited Liability Company	$150.00
Extras:	
Application for Name Reservation	$10.00
Expedited Service	$35.00
Other Available Services for Limited Liability Companies:	
Amendment to Articles of Organization	$25.00
Articles of Termination (Certificate of Termination Included)	$35.00
Certificate for any purpose	$10.00
Notice of Winding Up	$25.00
Articles of Merger(Certificate of Merger Included)	$50.00
Written Information	$10.00
Copy of any document	$5.00 + .50 per page
Transfer/Cancellation of Name Reservation	$10.00
Statement of Change of Address of registered office or statutory agent or both	$5.00
Service of Process on the Commission	$25.00

[redacted]

JIM IRVIN
COMMISSIONER-CHAIRMAN

RENZ D. JENNINGS COMMISSIONER

CARL J. KUNASEK
COMMISSIONER

ARIZONA CORPORATION COMMISSION

JACK ROSE
EXECUTIVE SECRETARY

JOANNE C. MACDONNELL
DIRECTOR . CORPORATIONS DIVISION

FILING COVER SHEET:

DELIVERY INSTRUCTIONS: Ref.: check #________

MAIL ☐ or PICK-UP ☐
(Please Check Box)

EXPEDITED ☐ or REGULAR ☐
($35.00 Additional Fee for Expedited)

The following individual listed should be called to pick up completed corporate filing documents:

Name: ____________________

Regarding (Corporation/LLC name): ____________________

Phone #: ____________________

At least two calls will be attempted. Please respond promptly to phone messages. Documents will be mailed if they are not picked up in a timely manner - approximately two weeks. In that event, the documents should be mailed to the following address:

Name: ____________________

Address: ____________________

City, State, Zip ____________________

****

FOR COMMISSION USE ONLY

FIRST PHONE CALL____________________
Date Time Examiner

SECOND PHONE CALL____________________
Date Time Examiner

MAIL DATE____________________
Date Time Examiner

PICKED-UP BY____________________
Date

Rev. 7/98

NAMING YOUR BUSINESS

Naming the business is one of the most critical steps a business owner will take. Unfortunately, in the start-up process, many people do not consider the importance of name selection and its role in the success of their business. You can select a business name yourself, or you can hire a professional to do the search and file the necessary forms.

Professional assistance is available from attorneys, public relations or advertising organizations, marketing consultants and trademark agents. Several books and magazine articles are available from local libraries to help you select a name. Terms used to describe a business name include trade name, "doing business as" or "DBA," and fictitious name.

Here are some considerations in selecting a business name:

- The name should be easy to understand, spell, pronounce, remember and find in the telephone directory.
- Will it depict the image you want for the business? This may include the level of service, speed, promptness, quality, skill, low cost, timeliness, experience, effectiveness, etc.
- Can your product or service be listed as part of the name (such as health food or marketing consultants)? This may help customers remember the business name.
- Using individual letters or an acronym may make the name very difficult to find in the telephone directory. Simply adding or deleting periods, spaces or hyphens will move the alphabetical placement of the name in the directory. These simple changes may give your customers difficulty in locating your business.
- Telephone directory listings are alphabetized starting with the first word in a business name. So, first words such as "The," "An" and "A" should be carefully considered before being selected.
- The terms Corporation, Corp., Incorporated, Inc., L.L.P., etc., may be used only for businesses structured in such a manner and registered accordingly.
- Unusual spellings such as "Kar" for Car may cause your customer difficulty in finding your business name or listing.
- Avoid names similar or identical to those used by another business.

There are four places to register a business name:

- The Arizona Secretary of State's Trademark and Trade Name Office, 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007; (602) 542-6187 or statewide toll free (800) 458-5842. You may call or visit this office to determine whether the name you have in mind already has been registered. A certificate of registration is mailed in about 10 days.
- The County Recorder will register a business name. This involves filing a simple form (which may be obtained at a local stationery or legal forms store) and remitting with the required fee.
- If incorporating your business, contact the Arizona Corporation Commission, 1300 W. Washington St., Phoenix, AZ 85007, (602) 542-3230; or 400 W. Congress St., Ste. 221, Tucson, AZ 85701, (520) 628-6560. The name may be reserved for 120 days.
- If you're going to be doing business in other states, you may wish to get a Federal Trademark Registration. Information may be obtained by calling (703) 308-4357 during normal business hours (Eastern time zone), or you may request the information by mail from the Commissioner of Patents and Trade- marks, Washington, D.C. 20231. Request the free booklet Basic Facts About Trade- marks and an application. After an application is filed, a federal examiner conducts a search and notifies the applicant if a conflicting mark is found. The applicant fee covers processing and search costs, which will not be refunded even if a conflict is found and the mark cannot be registered. Processing time is approximately one year. The initial registration is for 10 years and is renewable.

You may contact a trademark professional or attorney to assist in making a preliminary search or you may utilize the official Federal Trademark files at Arizona State University, Noble Science and Engineering Library, Tempe, Arizona 85287; (602) 965-7607.

ARIZONA TRADEMARK AND TRADE NAME LAWS

Trademark

A trademark is defined as any word, name, symbol, or device (or any combination thereof) adopted and used by a business to identify goods made or sold by the business to distinguish them from goods made or sold by others.

Registration of a trademark under Arizona law is not obligatory and is effective only within the state of Arizona. If you use a trademark in states other than Arizona, you should check with the other state governments and with the Commissioner of Patents and Trademarks, Washington, D.C. 20231; (800) 786-9199. Extensive information is available on their Web site: http://www.uspto.gov/

Registration of a trademark in Arizona is effective for a term of 10 years from the date of registration. Trademark registration may be renewed for an additional 10 years if an application is filed within three months prior to its expiration.

A record of all trademarks registered or renewed under the laws of the State of Arizona is available for public examination in the Arizona Secretary of State's Office, 1700 W. Washington St., 7th Floor, Phoenix, AZ 85007. The telephone number is (602) 542-4285 or statewide toll free (800) 458-5842.

Trade Name

According to Arizona law, "any person, partnership, corporation, firm, association, society, foundation, federation, or organization doing business in the state, or any foreign corporation licensed to exercise its corporate powers in this state may register with the Secretary of State . . . the name, title, or designation under which such applicant is operating...."

Registration of a name, title, or designation under Arizona law is effective for a term of five years from the date of registration. Trade Name registration may be renewed for additional five-year periods by filing an application within six months prior to expiration.

For additional information, please contact the Arizona Secretary of State's Office, 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007. The telephone number is (602) 542-6187 or statewide toll free (800) 458-5842.

Copyright

Copyright is a form of protection provided to authors of "original works" including literary, dramatic, musical, artistic and certain other intellectual works. This protection is available for both published and unpublished works. The law generally gives the copyright owner certain rights.

Copyright protects "original works of authorship" that are fixed in a tangible form of expression. The fixation need not be directly perceptible, so long as it may be communicated with the aid of a machine or device.

Copyrightable works include the following categories:

1. Literary works
2. Musical works, including any accompanying words
3. Dramatic works, including any accompanying music
4. Pantomimes and choreographic works
5. Pictorial, graphic, sculptural works
6. Motion pictures and other audiovisual works
7. Sound recordings
8. Architectural works

These categories should be viewed quite broadly, for example: computer programs and most "compilations" are registerable as "literary works"; maps and architectural plans are registerable as "pictorial, graphic, and sculptural works."

Several categories of material are generally not eligible for statutory copyright protection. These include:

- Works that have not been fixed in a tangible form of expression, for example: choreographic works that have not been notated or recorded; or improvisational speeches or performances that have not been written or recorded.
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration.
- Works consisting entirely of information that is common property and containing no original authorship, for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources.

For additional information, contact the Copyright Office, Room 401, James Madison Building, Washington, D.C. 20540. To speak to a copyright information specialist, call (202) 707-5959, or (800) 688-9889.

The copyright forms and publication "Hot Line" is available 24 hours a day. To request application forms for registration, call (202) 707-9100. Your local library will also have considerable information on this subject.

Betsey Bayless
Secretary of State
Trade Name Division
1700 West Washington 7th Floor
Phoenix, Arizona 85007

542-6187

Filing Fee: $10.00

1912

Approved By:______

APPLICATION FOR REGISTRATION OF TRADE NAME

(A.R.S. Title 44, Chapter 10, Article 3.1)

The Registration of Trade Names and Trademarks is not legally required in Arizona, but is an accepted business practice.

Name, title or designation to be registered:______________________________

Name of Applicant(s):______________________________

Business Address:______________________________
Street or Box Number City State Zip

Telephone Number:______________

Please check one:

☐ Person
☐ Partnership
☐ Society
☐ Firm
☐ Association
☐ Organization
☐ Corporation
☐ LLC
☐ Foreign Corporation licensed for business in this state

If a Corporation, please provide the state incorporated:__________

The date in which the name, title or designation was first used by the applicant within this state. This date must be today's date or prior to today's date:______________________________
Month Day Year

General nature of business conducted:______________________________

______________________ Applicant's Printed Name

______________________ Applicant's Signature

Revised 9-97

Betsey Bayless
Secretary of State
Trademark Division
1700 West Washington 7th Floor
Phoenix, Arizona 85007

Filing Fee: $15.00

1912

APPLICATION FOR REGISTRATION OF TRADEMARK/SERVICE MARK
A.R.S. Title 44-1441 THRU 44-1455

1. Mark description or name (For logo or symbol)____________________

2. Name of Trademark owner:____________________

Address:____________________
Street City State Zip

3. Please check one:

__________ Corporation
State of Incorporation ____________________

__________ Husband/Wife

__________ Sole Owner

__________ Foreign Corporation

4. Description of goods on which this mark is used:____________________

5. How is this mark being used in connection with the goods: (three samples must be presented with this application.) ____________________

6. Classification Number (refer to page 4 of the Trade Name & Trademark pamphlet) ____________________

7. Date Mark was first used:____________________

____________________ ____________________
Printed Name of Owner Signature of Owner

Revised 8/98

SELECTING A BUSINESS LOCATION

There are many factors to consider in selecting a site for your business. The choice of a location may have a profound effect on the success of your business. Therefore, this aspect of your planning should be given the utmost consideration.

Some of the items to research and assess include the following:

Buy or Lease

One of the first decisions you must make is whether to purchase property and construct a new building, modify the existing building to meet your needs, or lease a site and arrange tenant improvements. There are many issues to consider in making this decision. You should consult with an attorney, accountant, banker and real estate professional for assistance and information.

Client Base

Where are your current and targeted customers located? Use a map and pins to identify client locations. This information will assist you in selecting a site.

Traffic Count

Determine the traffic (foot or auto) passing potential sites. You can make this study or in many cases the city, county or state traffic engineers will provide official counts of auto traffic. Commercial real estate agencies often have considerable research data on this subject.

'Going to Work' Side of the Street

Some retail products and services are most attractive to customers on their way to work. Examples include coffee and pastry shops.

'Going Home' Side of the Street

Most people prefer to shop on the way home. Therefore, the potential site should be on the appropriate side of the street to make shopping on the way home easy. Some chambers of commerce have very detailed studies of traffic, existing business data and other valuable information.

Contact your local chamber of commerce for more information and assistance. Refer to the index on page 66 for the phone number of your local chamber.

Demographics

What changes are taking place in that area? Is the population age shifting? What is the income level? Does the local population fit your target market profile? The U.S. Census Bureau provides considerable information on these and other related items. The telephone number is 800-253-1882. The local chamber of commerce and library usually have information on area demographics.

Type of Site

Commercial locations include individual or stand-alone buildings, neighborhood strip centers with a few stores, power centers with a major tenant and several complementary businesses, and regional malls, usually with three or more major anchor stores.

Nearby Stores

Are neighboring stores compatible or complementary to your business? Will they help attract business to your establishment?

Parking

Does the site provide adequate parking for your customers and employees? Will your customers have to compete with employees of the area businesses to find a place to park? Is the parking lot easy to enter and exit? What is the overall condition of the parking lot? Is it well-illuminated at night? Is it well-maintained or does oil from parked cars accumulate and get tracked into the businesses? Is adequate parking provided for handicapped customers?

Condition of the building

Carefully check the condition of the building and calculate the modifications required to meet your needs. Do the building and property meet current zoning and other local requirements? Has the owner maintained the building and property or is the location in need of repair? What do other tenants say about the owner's willingness to make repairs and do preventive maintenance?

History of the site

Why is the potential location available? How long has the site been vacant? What caused the previous tenant to leave? If several businesses have failed at that site, you may wish to carefully consider your odds for success.

Total cost of the lease

Cost of the lease is calculated a number of ways.

Some items to consider include responsibility for:

- Exterior building maintenance
- Modification to meet your initial needs
- Common area expenses
- Insurance
- Utility costs including air conditioning
- Security services
- Taxes
- Flat lease rate and/or percentage of your business revenue
- Increase in lease based on changes in the consumer price index

Terms of the lease

Lease terms can be confusing to the business owner. Many commercial real estate brokers provide a glossary of terms commonly used in leasing space to businesses. Your local library has books and periodicals that cover this subject.

Other considerations include dispute resolution, required hours open for business, and whether future expansion is possible at reasonable rates.

Professional representative

You should obtain professional assistance in negotiating a commercial lease. Leasing agents or brokers fall into two categories - those who represent building owners and those who represent tenants. Lease negotiations may directly affect the success or failure of your business. Therefore, you should always obtain the professional assistance of your own real estate broker, attorney, accountant, insurance agent, banker and architect.

While many of these items may not seem important when you are beginning to look for a business site, they are extremely important to the long-term success of your business. Choose your business location carefully.

SELECTING THE CHARTER SCHOOL FACILITY
Presented by
Douglas J. Groppenbacher, CCIM

The securing of your facilities for your school operations can determine to a large degree the success of the school. Facility decisions are some of the most important decisions an administrator will make.

There are four critical elements in the facility decision. They are:

1. The **school**
2. The **facility**
3. The **landlord**
4. The **real estate agent**

These four elements are like the legs of a table. If any one element is out of order, the table, or school, is out of order. From my perspective as a real estate agent, let's look at the elements of the facility decision.

THE SCHOOL:

First thing, show me **your pedigree!** If you want responsive action by real estate agents and landlords, anticipate their questions and give the answers. This means having:

1. Your business plan
2. Your financial statements (balance sheet and operating statement)
3. Your source and use of funds, including the timing of the flow of funds. What about money for improvements and contingencies?
4. Your resumes (principals of the school)

Most of these items will have been part of your application for your school charter. Repackage them for the landlord.

Next, set your location and facility parameters. What is the geographic area in which you need to be to be located? Is there any flexibility? Do you know the number of students you will be serving? Initially? In one, two or future years? What will be the mix between boys and girls? What age groups will be served? The answers to these questions will provide direction to your real estate representative.

Obtaining a facility is like getting a loan. The landlord is going to lend you "money" in the form of a building and improvements, and the landlord wants to be repaid. Do you qualify for the loan?

THE FACILITY:

In order for an agent to find the right facility, the schools' needs have to be specified. A brief checklist follows:

1. Administrative space:
    - Number and size of offices
    - Number and size of teacher lounges
    - Size of support areas (copy machines, supplies, conference rooms, sick room, etc.)
    - Admissions area
2. Classrooms:
    - Number and size of classrooms
    - Flooring requirements
    - Lighting requirements
    - Special requirements (water and drains, sound suppression, etc.)
3. Outdoor area requirements:
    - Size of space
    - Composition of ground
    - Shade and water
    - Student drop/pick up area (traffic flow, safety, parking, handicap accessibility)
4. Fire safety:
    - Alarm system
    - Adjacent uses
    - Fire walls
    - Exits
5. Improvements:
    - Design
    - Cost (who pays)
    - Timing (design, permits, construction)
6. Other considerations:
    - Zoning and CC&Rs (conditions, covenants & restrictions)
    - Adjacent and nearby land uses
    - Signage

7. Buy v. Lease:
    - Flexibility
    - Short term v. Long term

THE LANDLORD:

Most people when looking for space consider only the facility. There are other elements of the facility decision that need to be addressed:

1. What is the financial strength of the landlord? Does the landlord have the money to complete the improvements?
2. Is the property being maintained? Is there deferred maintenance, the cost of which the landlord may assess against the tenants?
3. Is the landlord local, or out of area? Who makes the decisions and how long does it take to get a response?
4. Is there a management company? What is known about the company?
5. What type lease agreement will be signed? What are the lease terms (length, options, common area expenses, rent escalations, etc.)?

From whom you lease your facility is as important as the facility itself. If you experience difficulties during the term of the lease, will your landlord work with you?

THE AGENT:

Each party in a real estate transaction has the right to be represented. If you are dealing directly with the landlord's agent, you are not being represented. In considering a real estate representative, you need to consider:

1. The experience of the agent
2. The time the agent has available to devote to your assignment
3. Whether you will use one agent exclusively, or work with several
4. Compensation of the agent (landlords usually pay the fee)

In addition to the above four critical elements, other valued members of your facility team should include your legal counsel and your accountant or financial advisor. Your facility decisions are critical to the success of your school's operations. Get the best help you can find.

Douglas J. Groppenbacher, CCIM
Phone: (602) 905-2986
Fax: (602) 922-0064
Mobile: (602) 910-3833
E-Mail: dougg@sarweb.com

CITY AND TOWN LICENSING OFFICES

The following license offices provide business licenses, privilege tax licenses, and other special permits required by the city or town.

City of Apache Junction
1001 North Idaho Road
Apache Junction, AZ 85219
(602) 671-5070
Fax: (602) 982-7018

City of Avondale
525 N. Central Ave.
Avondale, AZ 85323
(602) 932-2400
Fax: (602) 932-2205

City of Benson
160 S. Huachuca
Benson, AZ 85602
(520) 586-2245
Fax: (520) 586-3375

City of Bisbee
118 Arizona St.
Bisbee, AZ 85603
(520) 432-5446
Fax: (520) 432-6069

Town of Buckeye
100 North Apache, Ste A
Buckeye, AZ 85326
(602) 386-4691
Fax: (602) 386-7832

City of Bullhead City
1255 Marina Blvd.
Bullhead City, AZ 86442
(520) 763-9400, Ext. 309
Fax: (520) 763-8828

Town of Camp Verde
P.O. Box 710
Camp Verde, AZ 86322
(520) 567-6631
Fax: (520) 567-9061

Town of Carefree
P.O. Box 740
100 Easy St.
Carefree, AZ 85377
(602) 488-1471
Fax: (602) 488-3845

City of Casa Grande
300 East 4th St.
Casa Grande, AZ 85222
(520) 421-8600
Fax: (520) 421-8603

Town of Cave Creek
37622 N. Cave Creek Rd.
Cave Creek, AZ 85331
(602) 488-1400
Fax: (602) 488-2263

City of Chandler
25 S. Arizona Place, Suite 202
Chandler, AZ 85225
(602) 786-2270
Fax: (602) 786-2276

Town of Chino Valley
1020 West Palomino Rd.
Chino Valley, AZ 86323
(520) 636-2646
Fax: (520) 636-2144

Town of Clarkdale
890 Main St.
Clarkdale, AZ 86324
(520) 634-9591
Fax: (520) 634-0407

Town of Clifton
210 N. Coronado Blvd.
Clifton, AZ 85533
(520) 865-4146
Fax: (520) 865-4472

Town of Colorado City
25 South Central St.
Colorado City, AZ 86021
(520) 875-2646
Fax: (520) 875-2778

City of Coolidge
130 W. Central Ave.
Coolidge, AZ 85228
(520) 723-5361
Fax: (520) 723-7910

City of Cottonwood
827 North Main Street
Cottonwood, AZ 86326
(520) 634-5526
Fax: (520) 634-5520

City of Douglas
425 10th St.
Douglas, AZ 85607
(520) 364-7501, ext. 420
Fax: (520) 364-7507

Town of Duncan
235 High St.
Duncan, AZ 85534
(520) 359-2791
Fax: (520) 359-9146

Town of Eagar
174 S. Main St., Box 1300
Eagar, AZ 85925
(520) 333-4128

City of El Mirage
14405 N. Palm St.
El Mirage, AZ 85335
(602) 972-8116, ext. 116
Fax: (602) 972-8110

City of Eloy
628 N. Main
Eloy, AZ 85231
(520) 466-9201
Fax: (520) 466-3161

City of Flagstaff
211 W. Aspen Ave.
Flagstaff, AZ 86001
(520) 779-7614
Fax: (520) 779-7656

Town of Florence
P.O. Box 490
133 N. Main St.
Florence, AZ 85232
(520) 868-5889
Fax: (520) 868-5223

Town of Fountain Hills
16836 East Palisades, Building C
Fountain Hills, AZ 85268
(602) 837-2003
Fax: (602) 837-3145

Town of Fredonia
Town Hall
P.O. Box 217
130 North Main Street
Fredonia, AZ 86022
(520) 643-7241
Fax: (520) 643-7627

Town of Gila Bend
644 W. Pima St.
Gila Bend, AZ 85337
(520) 683-2255
Fax: (602) 683-6430

Town of Gilbert
1025 South Gilbert Road
Gilbert, AZ 85296
(602) 503-6871
Fax: (602) 497-4943

City of Glendale
5850 W. Glendale Ave.
Glendale, AZ 85301
(602) 930-3190
Fax: (602) 930-2186

City of Globe
150 N. Pine St.
Globe, AZ 85501
(520) 425-7147
Fax: (520) 425-4820

City of Goodyear
120 E. Western
Goodyear, AZ 85338
(602) 932-3015
Fax: (602) 932-3003

Town of Guadalupe
9050 S. Avenida del Yaqui
Guadalupe, AZ 85283
(602) 730-3080
Fax: (602) 730-3097

Town of Hayden
P.O. Box B
520 Velasco Ave.
Hayden, AZ 85235
(520) 356-7801
Fax: (520) 356-6334

City of Holbrook
465 1st Ave.
Holbrook, AZ 86025
(520) 524-6225
Fax: (520) 524-2159

Town of Huachuca City
500 North Gonzales Blvd.
Huachuca City, AZ 85616
(520) 456-1354
Fax: (520) 456-2230

Town of Jerome
Town Hall-Main Street
P.O. Box 335
Jerome, AZ 86331
(520) 634-7943
Fax: (520) 634-0715

Town of Kearny
912-C Tilbury Road
Kearny, AZ 85237
(520) 363-5547
Fax: (520) 363-7527

City of Kingman
310 N. 4th St.
Kingman, AZ 86401
(520) 753-8113
Fax: (520) 753-6867

City of Lake Havasu City
1795 Civic Center Blvd.
Lake Havasu City, AZ 86403
(520) 453-4142
Fax: (520) 453-4157

City of Litchfield Park
214 West Wigwam Blvd.
Litchfield Park, AZ 85340
(602) 935-5033
Fax: (602) 935-5427

Town of Mammoth
125 N. Clark St.
Mammoth, AZ 85618
(520) 487-2331
Fax: (520) 487-2152

Town of Marana
13251 N. Lon Adams Rd
Marana, AZ 85653
(520) 682-3401
Fax: (520) 682-2654

City of Mesa
55 N. Center
Mesa, AZ 85201
(602) 644-2316
Fax: (602) 644-3999

Town of Miami
500 Sullivan St.
Miami, AZ 85539
(520) 473-4403
Fax: (520) 473-3003

City of Nogales
777 N. Grand Ave.
Nogales, AZ 85621
(520) 287-6571, ext. 272
Fax: (520) 287-2230

Town of Oro Valley
11000 N. La Canada Dr.
Oro Valley, AZ 85737
(520) 297-2591
Fax: (520) 297-0428

City of Page
P.O. Box 1180
697 Vista Ave.
Page, AZ 86040
(520) 645-8861
Fax: (520) 645-4265

Town of Paradise Valley
6401 East Lincoln Dive
Paradise Valley, AZ 85253
(602) 948-7411
Fax: (602) 951-3715

Town of Parker
1314 11th St.
Parker, AZ 85344
(520) 669-9265
Fax: (520) 669-5247

Town of Patagonia
P.O. Box 767
Patagonia, AZ 85624
(520) 394-2229
Fax: (520) 394-2861

Town of Payson
303 N. Beeline Hwy.
Payson, AZ 85541
(520) 474-5242
Fax: (520) 474-4610

City of Peoria
8401 W. Monroe
Peoria, AZ 85345
(602) 412-7156
Fax: (602) 412-7159

City of Phoenix
251 W. Washington, 3rd Flr
Phoenix, AZ 85003
(602) 262-6745
Fax: (602) 262-7151

Town of Pima
110 West Center
Pima, AZ 85543
(520) 485-2611
Fax: (520) 485-9230

Town of Pinetop-Lakeside
1360 N. Niels Hansen Lane
Lakeside, AZ 85929
(520) 368-8883
Fax: (520) 368-8528

City of Prescott
P.O. Box 2077
Prescott, AZ 86302
201 S. Cortez
Prescott, AZ 86303
(520) 776-6268
Fax: (520) 776-6255

Town of Prescott Valley
P.O. Box 25456
Prescott Valley, AZ 86312
8501 East Yavapai Road
Prescott Valley, AZ 86314
(520) 772-9207
Fax: (520) 775-5516

Town of Quartzsite
465 North Plymouth Avenue
Quartzsite, AZ 85346
(520) 927-4333
Fax: (520) 927-4400

Town of Queen Creek
22350 S. Ellsworth Road
Queen Creek, AZ 85242
(602) 987-0496
Fax: (602) 987-0109

City of Safford
P.O. Box 272
Safford, AZ 85548
717 Main St.
Safford, AZ 85546
(520) 428-2762
Fax: (520) 348-3111

Town of Sahuarita
850-B West Sahuarita Road
Sahuarita, AZ 85629
(520) 548-1972
Fax: (520) 625-9879

City of St. Johns
245 W. 1st South
St. Johns, AZ 85936
(520) 337-4517
Fax: (520) 337-2195

City of San Luis
23222 First St.
San Luis, AZ 85349
(520) 627-2027
Fax: (520) 627-3879

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85281
(602) 994-2400
Fax: (602) 994-2682

City of Sedona
102 Roadrunner Dr.
Sedona, AZ 86336
(520) 282-3113
Fax: (520) 204-7105

City of Show Low
200 W. Cooley
Show Low, AZ 85901
(520) 537-5724
Fax: (520) 537-2338

City of Sierra Vista
1011 N. Coronado Drive
Sierra Vista, AZ 85635
(520) 458-3315
Fax: (520) 458-0584

Town of Snowflake
81 W. 1st South
Snowflake, AZ 85937
(520) 536-7103, ext. 254
Fax: (520) 536-2539

City of Somerton
110 N. State Ave.
Somerton, AZ 85350
(520) 627-8866
Fax: (520) 627-3794

City of South Tucson
1601 South 6th Avenue
South Tucson, AZ 85713
(520) 792-2424
Fax: (520) 628-9619

Town of Springerville
23 South Papago Street
Springerville, AZ 85938
(520) 333-2656
Fax: (520) 333-5598

Town of Superior
734 Main St.
Superior, AZ 85273
(520) 689-5752
Fax: (520) 689-5822

City of Surprise
12425 W. Bell Rd., Ste D-100
Surprise, AZ 85374
(602) 583-1000
Fax: (602) 583-1091

Town of Taylor
425 Papermill Rd.
Taylor, AZ 85939
(520) 536-7366
Fax: (520) 536-7027

City of Tempe
P.O. Box 5002
Tempe, AZ 85280
31 E. 5th St.
Tempe, AZ 85281
(602) 350-2955
Fax: (602) 350-8659

Town of Thatcher
3700 W. Main
Thatcher, AZ 85552
(520) 428-2290
Fax: (520) 428-7061

City of Tolleson
9555 W. Van Buren
Tolleson, AZ 85353
(602) 936-7111
Fax: (602) 936-7117

City of Tombstone
P.O. Box 339
315 E. Fremont
Tombstone, AZ 85638
(520) 457-3562
Fax: (520) 457-3516

City of Tucson
255 W. Alameda St.
Tucson, AZ 85701
(520) 791-4566
Fax: (520) 791-5082

Town of Wellton
P.O. Box 67
28634 Oakland Ave.
Wellton, AZ 85356
(520) 785-3348
Fax: (520) 785-4065

Town of Wickenburg
155 N. Tegner Street, Suite A
Wickenburg, AZ 85390
(602) 684-5451
Fax: (602) 506-1580

City of Willcox
151 West Maley
Willcox, AZ 85643
(520) 384-4271
Fax: (520) 384-2587

City of Williams
113 S. First St.
Williams, AZ 86046
(520) 635-4451
Fax: (520) 635-4495

Town of Winkelman
P.O. Box 386
206 Giffin Ave.
Winkelman, AZ 85292
(520) 356-7854
Fax: (520) 356-7709

City of Winslow
21 Williamson Ave.
Winslow, AZ 86047
(520) 289-1315, ext. 235
Fax: (520) 289-3742

Town of Youngtown
12030 Clubhouse Square
Youngtown, AZ 85363
(602) 933-8286
Fax: (602) 993-5951

City of Yuma
100 N. Main St.
Yuma, AZ 85364
(520) 783-1282
Fax: (520) 343-8834

State of Arizona
Department of Education

Lisa Graham Keegan
Superintendent of
Public Instruction

DATE: December 1999

TO: Organizations or Individuals Doing Business with the State of Arizona

FROM: Charter Schools Administration/Liaison Office

SUBJECT: **Registration of Organizations and Individuals**

The Arizona Uniform Statewide Accounting System and the IRS requires Vendor Registrations and the Federal Form W-9 to be completed and on file with our agency before we can process claims for payments. Please complete and return the attached W-9 (and/or Vendor Setup Form).

Return the completed and signed forms to:

Arizona Department of Education
Charter Schools Administration/Liaison Office
1535 West Jefferson Street, Bin 8
Phoenix, AZ 85007

We cannot process any claim/invoice for payment until you provide this information to the above address. To ensure proper payment, please provide us with a contact person and phone number at your office.

Thank you for your assistance.

Form **W-9**
(Rev. November 1999)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do NOT send to the IRS.

Please print or type

Name (If a joint account or you changed your name, see **Specific Instructions** on page 2.)

Business name, if different from above. (See **Specific Instructions** on page 2.)

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☐ Other ▶ ....

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, if you are a resident alien OR a sole proprietor, see the instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Note: *If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.*

Social security number

OR

Employer identification number

Part II For Payees Exempt From Backup Withholding (See the instructions on page 2.)

▶

Part III Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
2. I am not subject to backup withholding because: **(a)** I am exempt from backup withholding, or **(b)** I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or **(c)** the IRS has notified me that I am no longer subject to backup withholding.

Certification instructions. You must cross out item **2** above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item **2** does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign Here **Signature ▶** **Date ▶**

Purpose of form. A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9, if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are an exempt payee.

If you are a foreign person, IRS **prefers** you use a Form W-8 (certificate of foreign status). After December 31, 2000, foreign persons **must** use an appropriate Form W-8.

Note: *If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.*

What is backup withholding? Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive **will** be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or

2. You do not certify your TIN when required (see the Part III instructions on page 2 for details), or

3. The IRS tells the requester that you furnished an incorrect TIN, or

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 3 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate **Instructions for the Requester of Form W-9.**

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Cat. No. 10231X

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Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage, without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. You must enter your **individual** name as shown on your social security card. You may enter your business, trade, or "doing business as" name on the **business name** line.

Other entities. Enter your business name as shown on required Federal tax documents. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or "doing business as" name on the business name line.

Part I—Taxpayer Identification Number (TIN)

You must enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, using your EIN may result in unnecessary notices to the requester.

Note: *See the chart on this page for further clarification of name and TIN combinations.*

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5,** Application for a Social Security Card, from your local Social Security Administration office. Get **Form W-7,** Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or **Form SS-4,** Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site at **www.irs.gov.**

If you do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester. Other payments are subject to backup withholding.

Note: *Writing "Applied For" means that you have already applied for a TIN* ***OR*** *that you intend to apply for one soon.*

Part II—For Payees Exempt From Backup Withholding

Individuals (including sole proprietors) are **not** exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. For more information on exempt payees, see the separate Instructions for the Requester of Form W-9.

If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding. Enter your correct TIN in Part I, write "Exempt" in Part II, and sign and date the form.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester a completed Form W-8 (certification of foreign status).

Part III—Certification

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item **2** in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item **2** of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified state tuition program payments, IRA or MSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 31% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account [1]
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor [2]
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee [1]
b. So-called trust account that is not a legal or valid trust under state law	The actual owner [1]
5. Sole proprietorship	The owner [3]
For this type of account:	**Give name and EIN of:**
6. Sole proprietorship	The owner [3]
7. A valid trust, estate, or pension trust	Legal entity [4]
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

[1] List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

[2] Circle the minor's name and furnish the minor's SSN.

[3] You must show your individual name, but you may also enter your business or "doing business as" name. You may use either your SSN or EIN (if you have one).

[4] List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: *If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.*

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VENDOR SETUP/ CHANGE

ADD ☐ CHANGE ☐ INACTIVATE ☐ DATE ______

Social Security # precede by 2. Tax Id # precede by 1, last digit will always be 0

VENDOR NUMBER (11 char)		
VENDOR NAME		
ADDRESS		
[redacted]		
CITY:	STATE: ZIP:	
VENDOR TYPE:	OWNERSHIP CODE :	1099
1. EMPLOYEE	E. STATE EMPLOYEE	N
2. FEDERAL AGENCIES	G. GOVERNMENTAL ENTITY	Y
3. AZ STATE AGENCIES	G. GOVERNMENTAL ENTITY	N
4. LOCAL GOVERNMENT	G. GOVERNMENTAL ENTITY	Y
5. VENDOR BUSINESS	A. ARIZONA CORP C. PROFESSIONAL CORP F. FINANCIAL INSTITUTION N. MEDICAL CORPORATION O. OUT OF STATE CORP P. PROFESSIONAL ASSOCIATION R. FOREIGN CORP S. SOLE OWNER T. PARTNERSHIP	N Y Y Y N Y N Y Y
6. VENDOR INDIVIDUAL	I. INDIVIDUAL RECIPIENT S. SOLE OWNER	Y Y
7. OTHER (Other states, Trust funds, receivorships, etc.)	COULD BE ANY OF THE ABOVE OWNERSHIP CODES	Y
8. BOARD MEMBERS	B. BOARD MEMBERS	Y

AGENCY ID ______________________

AUTHORIZED AGY SIGNER ______________________

AGENCY PHONE NUMBER

MAIL CODES (3)	000/001	**If a vendor has moved do NOT add a new M/C change the old one!!**
[redacted]		

ALTERNATE NAME(S)/ DOING BUSINESS AS (DBA)

1. ______________________

A Vendor contact name and phone number is REQUIRED. If you do not have one then you MUST put your name and agency phone number.

VENDOR CONTACT

VENDOR PHONE NUMBER

FAX NUMBER

SALES TAX LICENSE

1099 INFORMATION

AZ CORPS MUST BE INCORPORATED AND LISTED WITH THE AZ CORPORATION COMMISSION

*MEDICAL CORPS WILL ALWAYS BE 1099 YES

VENDOR NAMES THAT END IN LIMITED OR LTD ARE PARTNERSHIPS AND MUST BE 1099 YES

INDIVIDUAL RECIPIENTS/ BOARD MEMBERS SHOULD ALWAYS BE 1099 YES. THE COMP OBJECT USED WILL DETERMINE IF THE ITEM IS REPORTABLE 1099 INCOME.

IRS FORM 1099 MISCELLANEOUS INCOME MUST BE ISSUED TO VENDORS WHO:

1. PROVIDE A SERVICE TO THE STATE
2. ARE NOT INCORPORATED (*Except Medical Corps)
3. WHO ARE NON EMPLOYEES OF THE STATE

INSTRUCTIONS FOR COMPLETING VENDOR REGISTRATION

W -9'S Must be kept on file at the agency for all new vendors

VENDOR NUMBER This is an eleven (11) digit number. If the W-9 is filled out with a(n):

Taxpayers Federal Employer Identification Number it MUST be preceded by a "1" and must end in a "0". Individual Social Security numbers MUST be preceded by a "2" and end in a "0". Example 29876543210.

VENDOR NAME Enter the name with all CAPS no punctuation and only one space between names (NO EXTRA spaces). Enter names of individuals First Name Middle Initial Last Name. Examples: MARY^J^DOE, JOE^VENDOR, STEVEN^M^SMITH^SR. Enter Business names in the same manner no extra spaces and no punctuation. Example: ACE HARDWARE, STATE OF ARIZONA DOA. The name used MUST be associated with the Taxpayer Id Number. If a social security number is provided the name must be an individual. If a Federal Employer Id Number is provided, then it must be a business name.

ADDRESS Enter in all caps no punctuation. Example:

PO BOX 1234
OGDEN UT 56789

1700 W WASHINGTON RM 290
PHOENIX AZ 85007

COUNTRY If the Vendor is an Out-of-Country vendor, please send a completed Vendor Setup/Change form to GAO

VENDOR CONTACT/PHONE This field should be filled in with a name and phone # of a contact at the vendor. If you are unable to provide a contact please enter your name and agency phone number.

VENDOR TYPE/ OWNERSHIP Select the appropriate number corresponding to the description. Select the appropriate code that corresponds to the vendor type.

Doing Business As/ DBA If a Social Security Number is provided (from part I on the W-9) then it MUST be associated with the individuals name and set up a 2xxxxxxxxx0 and the first line of the vendor address can be DBA (vendor business name). EXAMPLE: John Jacobs DBA Jacobs Home Repairs. SS # 234567891. Enter as:

Vendor Number: 2234568910,
Vendor Name: JOHN JACOBS,
Address 1: DBA JACOBS HOME REPAIRS,
Address 2: 123 SUNSET BLVD City: TEMPE State: AZ Zip: 85282.

This will affect mail code 000 and 001. **If you want warrants printed with the business name only set up a mail code 002 with Jacob Home Repairs as the vendor name.**

If a Employer Identification Number is provided (from part I on the W -9) then it MUST be associated with the business name and set up as 1xxxxxxxxx0. EXAMPLE John Jacobs DBA Jacobs Home Repairs, Employer Id Number 678912345. Enter As:

Vendor Number: 16789123450,
Vendor Name: JACOBS HOME REPAIRS,
Address 1: 123 SUNSET BLVD City: TEMPE State: AZ Zip: 85282.

1099 INFO Arizona Corporations Must be Incorporated and registered with the Corporation Commission.

Vendors with P.C. in the title are Professional Corporations and should be Vendor Type 5, ownership code C and should be 1099 Yes. These Corporations are usually doctors, dentists, lawyers or accountants.

Vendors with MD., O.D., D.O., or DR. DDS, CPA, title are individual, and should be 1099 Yes. If they are incorporated then there should be a P.C. in the title, then they are a Professional Corporation and will be 1099 yes.

Medical Corporations are hospitals, medical supplies stores and other providers of medical or health care services. A group of physicians can be incorporated and could qualify as a medical corporation.

Vendors with Limited or LTD at the end of the title are Limited Partnerships and should be vendor type 5, ownership code T and must be 1099 Y.

Individuals/Board Members should always be 1099 Y. The Comp Object used to pay claims will determine if the item is 1099 reportable. **(Travel reimbursement comp objects are set to 1099 No.)**

QUESTIONS? Please call The General Accounting Office at 542-6228.

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CHECKLIST FOR GOING INTO BUSINESS

	YES	NO
• Have you completed your strategic and business planning?	○	○
• Have you determined the type of business structure your organization will assume?	○	○
• If so, have you followed the appropriate registration procedures for that organizational structure?	○	○
• If applicable, have you registered your business trademark and trade name?	○	○
• Have you determined whether your business or profession is subject to any special licensing requirements?	○	○
• Have you obtained a federal employer identification number (Form SS-4)?	○	○
• Will your business be required to obtain a state sales tax license, submit monthly reports, and pay taxes on business activities?	○	○
• Will your business be required to obtain a city sales or business/occupation license?	○	○
• Will you be required to withhold state and federal income taxes from the compensation paid your workers and submit quarterly reports?	○	○
• Will you be required to pay state taxes and submit quarterly reports for the unemployment coverage of your workers?	○	○
• Will your business be required to pay federal unemployment taxes and submit quarterly reports?	○	○
• Will you be required to have workers' compensation insurance coverage?	○	○
• Have you made a thorough review of your other insurance needs?	○	○
• Have you reviewed the state and federal labor laws and determined the personnel-related policies your business will follow?	○	○
• Have you checked the environmental regulations to ensure that your business will meet all air, water, and solid waste standards?	○	○
• Have you consulted with your accountant concerning tax planning, management controls, and essential accounting systems?	○	○
• Have you obtained state, county and city operating permits and licenses associated with your business or profession?		
• Have you carefully considered all available information pertaining to your business location decision and made sure your operations are consistent with current zoning regulations?	○	○
• If so, have you obtained local certification of occupancy?	○	○
• Have you checked with the utility companies to ensure prompt delivery of service and to determine the cost of service extensions, the amount of any required deposits, and written price and supply agreements?	○	○

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